

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

90TH CONGRESS
1ST SESSION

S. 2068

IN THE SENATE OF THE UNITED STATES

JULY 10, 1967

Mr. ELLENDER (by request) introduced the following bill; which was read twice
and referred to the Committee on Agriculture and Forestry

A BILL

To repeal certain Acts relating to containers for fruits and
vegetables; exportation of tobacco plants and seed; naval
stores; and wool; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Acts of Congress listed below are hereby repealed:

4 (a) The Act of August 31, 1916, entitled "An Act to
5 fix standards for climax baskets for grapes and other fruits
6 and vegetables, and to fix standards for baskets and other
7 containers for small fruits, berries, and vegetables, and for
8 other purposes" (39 Stat. 673, as amended; 15 U.S.C.
9 251-256) ;

10 (b) The Act of May 21, 1928, entitled "An Act to

1 fix standards for hampers, round stave baskets, and splint
2 baskets for fruits and vegetables, and for other purposes”
3 (45 Stat. 685, as amended; 15 U.S.C. 257-257i) ;

4 (c) The Act of June 5, 1940, entitled “An Act to
5 prohibit the exportation of tobacco seed and plants, except
6 for experimental purposes” (54 Stat. 231; 7 U.S.C. 516-
7 517) ;

8 (d) The Naval Stores Act approved March 3, 1923 (42
9 Stat. 1435; 7 U.S.C. 91-99) ;

10 (e) The Act of May 17, 1928, entitled “An Act to
11 authorize the appropriation for use by the Secretary of
12 Agriculture of certain funds for wool standards, and for other
13 purposes” (45 Stat. 593; 7 U.S.C. 415b-415d) .

14 SEC. 2. Section 10 (b) (3) of the Act of November 3,
15 1966 (80 Stat. 1302; 15 U.S.C. 1459 (b) (3)) , is amended
16 to read as follows:

17 “ (3) containers subject to the provisions of the Act
18 of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C.
19 231-233) , or the Act of March 4, 1915 (38 Stat. 1186,
20 as amended; 15 U.S.C. 234-236) .”

21 SEC. 3. This Act shall become effective sixty days after
22 the date of its enactment.

A BILL

To repeal certain Acts relating to containers for fruits and vegetables; exportation of tobacco plants and seed; naval stores; and wool; and for other purposes.

By Mr. ELLENDER

JULY 10, 1967

Read twice and referred to the Committee on
Agriculture and Forestry

90TH CONGRESS
1ST SESSION

H. R. 13058

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1967

Mr. ROUSH (for himself, Mr. DAVIS of Georgia, Mr. BRINKLEY, Mr. ROUDEBUSH, Mr. VANDER JAGT, and Mr. HATHAWAY) introduced the following bill; which was referred to the Committee on Science and Astronautics

A BILL

To repeal certain Acts relating to containers for fruits and vegetables, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Acts of Congress listed below are hereby repealed:

4 (a) The Act of August 31, 1916, entitled "An Act to
5 fix standards for Climax baskets for grapes and other fruits
6 and vegetables, and to fix standards for baskets and other
7 containers for small fruits, berries, and vegetables, and for
8 other purposes" (39 Stat. 673, as amended; 15 U.S.C. 251-
9 256) ;

10 (b) The Act of May 21, 1928, entitled "An Act to fix

1 standards for hampers, round stave baskets, and splint baskets
 2 for fruits and vegetables, and for other purposes" (45 Stat.
 3 685, as amended; 15 U.S.C. 257-257i).

4 SEC. 2. Section 10 (b) (3) of the Act of November 3,
 5 1966 (80 Stat. 1296; 15 U.S.C. 1451), entitled the "Fair
 6 Packing and Labeling Act", is amended by inserting "or"
 7 before "the Act of March 4, 1915," and by striking out
 8 "the Act of August 31, 1916 (39 Stat. 673, as amended;
 9 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat.
 10 685, as amended; 15 U.S.C. 257-257i)."

11 SEC. 3. This Act shall become effective on January 1,
 12 1968.

57

100

lower
-
-
-
-

1891

[illegible][illegible][illegible]

1880

A BILL

To repeal certain Acts relating to containers for fruits and vegetables, and for other purposes.

By Mr. ROUSH, Mr. DAVIS of Georgia, Mr.
BRINKLEY, Mr. ROUDEBUSH, Mr. VANDER
JAGT, and Mr. HATHAWAY

SEPTEMBER 21, 1967

Referred to the Committee on Science and Astronautics

for the Armed Forces and veterans' hospitals. p. D927

13. REPEAL LEGISLATION. The Agriculture and Forestry Committee ordered reported (but did not actually report) S. 2068, to repeal the Standard Containers Acts of 1916 and 1928, the Tobacco Seed and Plant Exportation Act of 1940, the Naval Stores Act of 1923, and the Wool Standards Act of 1928. p. D927
14. BUDGETING. Sen. Proxmire commended the work of the President's Commission on Budget Concepts and inserted a summary of its recommendations. pp. S14964-5
15. FORESTRY. Sen. Morse commended the work of the Bureau of Land Management in making studies of allowable timber cuts in Ore. and efforts "to keep people informed on pricing and sales policies." pp. S14967-9
16. COOPERATIVES. Sen. McGovern inserted remarks by the President at the National Co-op Conference in which he described cooperatives as representing "American initiative at its most creative--groups of people joining together for a common goal, combining their labor to bring themselves a better life." pp. S14929-30
17. JOB CORPS. Sen. Mondale inserted several letters in support of the Job Corps. pp. S14933-4
18. SPENDING. Sen. Proxmire urged Congress to use the PPB system of analysis in an effort to cut spending. He stated, "Congress must utilize realistic decision-making tools. The meat ax must be dropped. Alternative discount rates must be used in cost-benefit analysis, and it is imperative that Congress encourage and employ these mechanisms if the goal of economy in Government is to be accomplished." pp. S149-
19. ECONOMIC DEVELOPMENT. Sen. Harris was added as a cosponsor to S. J. Res. 64, to establish a Commission on Balanced Economic Development. p. S14927

ITEMS IN APPENDIX

20. TEXTILE TRADE. Rep. Whitener inserted an editorial which he described as pointing up the critical condition existing in the textile industry. p. A5130
21. FISCAL AFFAIRS. Extension of remarks of Rep. McClure criticizing the administration's fiscal policies, and insertion of correspondence critical of the proposed withholding of highway funds. pp. A5136-7
22. POLLUTION. Extension of remarks of several Representatives and insertion of various articles discussing the problems of air and water pollution. pp. A5124, A5128-9, A5131, A5139-40

BILLS INTRODUCED

23. IMPORT QUOTAS. S. 2551 by Sen. Montoya, and H. R. 13566 by Rep. Morris, to impose annual quotas on the quantity of potassium chloride or muriate of potash which may be imported into the United States; to S. Finance and H. Ways and Means Committees. Remarks of Sen. Montoya, pp. S14911-13

24. RECLAMATION. S. 2553 by Sen. Hansen, to authorize the Secretary of the Interior to modify the operation and reallocate the costs of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation; to Public Works Committee. Remarks of author pp. S14913-15
25. RECREATION. S. 2555 by Sen. Morse, to provide that the Secretary of the Interior shall investigate and report to the Congress on the advisability of establishing a national park or other unit of the national park system in the central and northern parts of the Cascade Mountain region of the State of Oregon; to Finance Committee. Remarks of author, p. S14915
H. R. 13560 by Rep. Harrison, to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming; to Interior and Insular Affairs Committee.
26. TRAINING CENTERS. H. R. 13568 by Rep. Olsen, to create a human resources center to provide a location for various training centers and programs; to Education and Labor Committee
27. FLOOD INSURANCE. H. R. 13569 by Rep. Pool, to amend the Federal Flood Insurance Act of 1956, to provide for a national program of flood insurance; to Banking and Currency Committee.
28. CENSUS. H. R. 13574 by Rep. Derwinski, to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing; to Post Office and Civil Service Committee.
29. ECONOMIC DEVELOPMENT. H. J. Res 900, by Rep. Ruppe, to establish a Commission on Balanced Economic Development; to Interstate and Foreign Commerce Committee.

0

COMMITTEE HEARINGS OCT. 19:

Redesignate Interior as Department of Natural Resources and transfer certain agencies, S. Gov't Operations (Secretary Freeman to testify).

Continuing appropriations, S. Appropriations.

Import quotas, S. Finance.

Flaming Gorge National Recreation Area, S. Interior and Insular Affairs (Baker and Nelson, FS, to testify).

Pay bill, S. Post Office and Civil Service.

Cost-sharing for fish-wildlife and recreation in RC&D projects, H. Agriculture

Poverty program, H. Education and Labor.

Animal drug safety, H. Interstate and Foreign Commerce (exec).

Flood insurance, H. Rules.

oOo

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued Oct. 20, 1967
For actions of Oct. 19, 1967
90th-1st; No. 168

CONTENTS

Air pollution.....6	Meat imports.....13	Rural-urban development.15
Animal drugs.....7	Milk.....11	Spending.....14,18
Animal research.....23	Mink industry.....13,22	Standard containers.....12
Appropriations.....8,19	Naval stores.....12	Tariff.....22
Buildings.....24	Organization.....26	Textiles.....21
Expenditures.....14,18	Pay.....17	Tobacco.....12
Flood insurance.....2	Postal rates.....17	Trade practices.....1
Foreign trade..13,20,21,22	Poverty.....16	Transportation.....3
Forestry.....4,9	Property.....10	Water pollution.....25
Honey.....22	Repeal legislation.....12	Water resources.....5
Legislative program.....9	Research.....23	Wool.....12

HIGHLIGHTS: House committee voted to report unfair trade practices bill regarding cooperatives. Senate committee reported military milk program extension, and repeal of Standard Containers Acts, Tobacco Seed and Plant Exportation Act, Naval Stores Act, and Wool Standards Act.

HOUSE

- 1. TRADE PRACTICES.** The Agriculture Committee voted to report (but did not actually report) H. R. 13541, to prohibit unfair trade practices affecting producers of agricultural products and associations of such producers. p. D934
- 2. FLOOD INSURANCE.** The Rules Committee reported a resolution for consideration of S. 1985, the flood insurance bill. p. H13742
- 3. TRANSPORTATION.** Received from the Interstate Commerce Commission a proposed bill "to amend section 17 of the Interstate Commerce Act, as amended, to provide for judicial review of orders of the Commission"; to Interstate and Foreign Commerce Committee. p. H13742

4. FORESTRY. Conferees were appointed on S. 889, to designate the San Rafael Wilderness, Calif. Senate conferees have been appointed. p. H13677
5. WATER RESOURCES. Conferees were appointed on S. 1788, to authorize the Interior Department to engage in feasibility investigations of certain water resource developments. Senate conferees have not been appointed. p. H13705
6. AIR POLLUTION. Several members commended the proposed air pollution bill. pp. H13735-7, pp. H13738-9
7. ANIMAL DRUGS. A subcommittee of the Interstate and Foreign Commerce Committee approved H. R. 3639, amended, to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs. pp. D934-5
8. APPROPRIATIONS. Conferees agreed to file a report on H. R. 9960, the independent offices and HUD appropriation bill, and H. R. 12474, the NASA appropriation bill. p. D935
9. LEGISLATIVE PROGRAM. Rep. Albert said H. R. 10442, to facilitate exchanges of Forest Service lands for public school use, will be considered today, Oct. 20. p. H13706

SENATE

10. PROPERTY. Passed as reported S. 878, to permit further Federal use and donation of exchange sale property. pp. S14974-5
11. MILK. The Agriculture and Forestry Committee reported with amendment S. 2179, to extend for 3 years the milk program for the Armed Forces and veterans' hospitals (S. Rept. 669). p. S14979
12. REPEAL LEGISLATION. The Agriculture and Forestry Committee reported without amendment S. 2068, to repeal the Standard Containers Acts of 1916 and 1928, the Tobacco Seed and Plant Exportation Act of 1940, the Naval Stores Act of 1923, and the Wool Standards Act of 1928 (S. Rept. 668). p. S14979
13. FOREIGN TRADE. Sen. Javits inserted his testimony in opposition to the proposed import quota legislation now pending before the Finance Committee. pp. S14987-90
Sen. Curtis spoke in favor of S. 1588, to limit meat imports, and inserted testimony by Sen. Hruska in support of this legislation. pp. S14992-6
Sen. Bennett stated, "I am hopeful that the Finance Committee will report an omnibus quota import bill at an early date and that the mink industry will be helped by this legislation." He inserted testimony in favor of S. 1897, to limit imports of mink. pp. S15002-4
14. SPENDING. Sen. Proxmire urged Federal spending cuts and stated that "across-the-board reductions are simple expedients; they will not solve the problem of budget priorities. Congress must act to establish and encourage techniques which will lead to better spending decisions." p. S15034
15. RURAL-URBAN DEVELOPMENT. Sen. Proxmire spoke in favor of S. Con. Res. 33, to study the relationship of rural/urban population movements to economic growth

REPEAL OF OBSOLETE LAWS

OCTOBER 19, 1967.—Ordered to be printed

Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, submitted the following

R E P O R T

[To accompany S. 2068]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 2068), to repeal certain acts relating to containers for fruits and vegetables; exportation of tobacco plants and seed; naval stores; and wool; and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

This bill, which was requested by the Department of Agriculture, would repeal the Standard Container Acts of 1916 and 1928, Tobacco Seed and Plant Exportation Act of 1940, Naval Stores Act of 1923, and Wool Standards Act of 1928.

The Standard Container Acts prescribe standard sizes and capacities for certain types of baskets and hampers used in shipping fresh fruit and vegetables. The Department advises that shipping methods have so changed since the acts were enacted that now less than 10 percent of fresh fruits and vegetables are marketed in the regulated baskets and hampers. With repeal of these acts, the bill would bring the containers regulated by them under the Fair Packaging and Labeling Act, approved last year. The Tobacco Seed and Plant Exportation Act prohibits exportation of tobacco seed in order to protect American growers, and is no longer useful since tobacco production is now well established outside the United States. The Naval Stores Act provides for the establishment of standards and grading and prohibits false or misleading practices, and the Wool Standards Act provides for the development of standards. The standards and grading work now done under the latter two acts can be done under the Agricultural Marketing Act of 1946, and the Department advises that there is no need for special legislation covering these two commodities. With the

repeal of such legislation the Department advises that it could reduce its standards and inspection work on naval stores and its standards work on wool to a level commensurate with the need therefor.

The Department estimates that enactment of the bill will result in an annual reduction of \$116,000 in Federal expenditures.

The letter from the Department of Agriculture requesting this legislation is attached.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 22, 1967.

HON. HUBERT H. HUMPHREY,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a proposed bill to repeal the Standard Container Acts of 1916 and 1928, Tobacco Seed and Plant Exportation Act of 1940, Naval Stores Act of 1923, and Wool Standards Act of 1928.

Over the years, economic conditions and marketing practices have changed so that the need for these acts is no longer as great as when the legislation was passed. Therefore, to promote greater efficiency and economy in Government, in accordance with the President's request, we are recommending the repeal of these acts. The functions provided by these acts that need to be continued will be performed under the provisions of the Agricultural Marketing Act of 1946. Savings in appropriations realized by repeal of these acts, involving limited or special interests, would be available for use in areas of more vital public importance.

The following paragraphs set forth in more detail the reasons for the Department's proposal:

Standard Container Acts of 1916 and 1928 prescribe standard sizes and capacities for certain types of baskets and hampers used in shipping fresh fruits and vegetables. When these laws were enacted, baskets and hampers were used for a large part of the fresh fruits and vegetables shipped in containers and standardization of the volume capacity was needed to prevent deception. Since that time, there have been many changes in shipping containers for fresh produce. Crates, lugs, boxes, and bags not in existence at that time have been developed and are now most commonly used. Also, the construction material has changed significantly with fiberboard, paper, and film now being commonly used. These containers are not standardized by Federal law as to capacity or shape. Most fresh fruits and vegetables are today sold by weight or count rather than by volume measure so that deception due to slight variations in container volume is no longer an important marketing factor. Less than 10 percent of the fresh fruits and vegetables are now marketed in the regulated types of baskets and hampers.

These acts, therefore, have been of decreasing importance in recent years and the Department does not believe that there is sufficient justification for continuing the program.

While we recommend that these acts be repealed, we believe that the interest of consumers should be protected through the prohibition of unfair and deceptive packaging and labeling practices. With the repeal of the two Standard Container Acts, the exemption of containers covered by these acts in section 10(b)(3) of the Fair Packaging and Labeling Act, approved November 3, 1966 (Public Law 89-755),

will no longer be meaningful. We, therefore recommend that section 10(b)(3) of the Fair Packaging and Labeling Act be amended to eliminate all reference to the acts of August 31, 1916, and May 21, 1928 (see sec. 2 of the attached proposed bill). There would then be no question but that containers now subject to the two Standard Container Acts will not be exempt from regulation under the Fair Packaging and Labeling Act by reason of that fact.

Tobacco Seed and Plant Exportation Act of 1940 was intended to protect American tobacco growers by restricting the exportation of tobacco seed and plants to experimental purposes only, with a written permit granted by the Secretary of Agriculture. Since 1940, tobacco production outside of the United States has expanded considerably and research in tobacco seed breeding and production is now well established in most of the tobacco-producing countries of the world. As other countries have succeeded in producing Flue-cured tobacco (the type that the act was primarily intended to protect), the need for restricting American exports has practically ceased to exist. This act, therefore, is of very limited usefulness and the cost of administering it is no longer justified.

Naval Stores Act of 1923 provides for establishment of standards for naval stores (spirits of turpentine and rosin); authorizes the Secretary to provide a grading and certification service on request and on a cost-recovery basis; requires the use of the official naval stores standards in selling naval stores in commerce; and prohibits false or misleading practices in sale of naval stores in commerce. When enacted, the law was needed to provide a basis for attaining uniformity in these products and in marketing practices related thereto. Since that time significant changes have occurred in the handling and marketing of naval stores. Further, the Agricultural Marketing Act of 1946 provides authority for the establishment of standards and for inspection and grading on a fee basis. It also prohibits fraudulent actions related to inspection such as false labeling of products as being officially graded or inspected. Therefore, the retention of the Naval Stores Act is no longer necessary.

Wool Standards Act of 1928 provides for the development of standards for wool grades, and for educational and demonstrational programs on wool standards. The authority contained in this act is also contained in the Agricultural Marketing Act of 1946. Currently, there are no active Federal grading programs for wool and wool products. Adequate grade standards are available for trade operations and a deemphasis of this work is planned for the future. The necessary periodic review and maintenance of the standards can be performed adequately under the Agricultural Marketing Act of 1946. The repeal of the Wool Standards Act will reduce the number of laws administered by the Department without restricting the Department's authority to establish and maintain wool standards.

The combined result of repeal of the five acts would be an annual reduction of \$116,000 in Federal expenditures and related employment, and a similar reduction in direct appropriations from the general fund of the Treasury.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman);

Standard Containers Act of 1916

That standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket, and twelve-quart basket, respectively:

(a) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement; top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used.

(b) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

(c) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

The standards for Climax baskets for mushrooms shall be those set forth above, except that a one-pound Climax basket of the following dimensions shall be standard for mushrooms when plainly stamped or marked on the side of the basket with the words "for mushrooms only": length of bottom piece, seven and three-fourths inches; width of bottom piece, three and three-sixteenths inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and five-eighths inches; top of basket, length, nine and three-eighths inches; width, four and three-eighths inches; all outside measurements. Basket to have a cover four and three-eighths by nine and three-eighths inches when cover is used.

SEC. 2. That the standard basket or other container for small fruits, berries, and vegetables shall be of the following capacities, namely dry one-half pint, dry pint, dry quart, or multiples of the dry quart.

(a) The dry half pint shall contain sixteen and eight-tenths cubic inches.

(b) The dry pint shall contain thirty-three and six-tenths cubic inches.

[(c) The dry quart shall contain sixty-seven and two-tenths cubic inches.

[SEC. 3. That it shall be unlawful to manufacture for shipmen , or to sell for shipment, or to ship from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, any Climax baskets or other containers for small fruits, berries, or vegetables, whether filled or unfilled, which do not conform to the provisions of this Act, or to use in any such shipment for any commodity other than mushrooms the one-pound Climax basket provided for in section 1 of this Act; and any person guilty of a willful violation of any of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding \$25: Provided, That nothing herein contained shall apply to the manufacture, sale, or shipment of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables when intended for export to foreign countries when such Climax baskets, baskets, or other containers for small fruits, berries, and vegetables accord with the specifications of the foreign purchasers or comply with the law of the country to which shipment is made or to be made.

[SEC. 4. That the examination and test of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables, for the purpose of determining whether such baskets or other containers comply with the provisions of this act shall be made by the Department of Agriculture, and the Secretary of Agriculture shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary.

[SEC. 5. That it shall be the duty of each United States attorney to whom satisfactory evidence of any violation of the act is presented to cause appropriate proceedings to be commenced and prosecuted in the proper court of the United States for the enforcement of the penalties as in such case herein provided.

[SEC. 6. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, jobber, or other party residing within the United States from whom such Climax baskets, baskets, or other containers, as defined in this Act, were purchased, to the effect that said Climax baskets, baskets, or other containers are correct within the meaning of this Act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of Climax baskets, baskets, or other containers to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act.

[SEC. 7. That this Act shall be in force and effect from and after the first day of November, nineteen hundred and seventeen.]

Standard Containers Act of 1928

[That the standard hampers and round stave baskets for fruits and vegetables shall be of the following capacities: One-sixteenth bushel, one-eighth bushel, one-fourth bushel, three-eighths bushel, one-half bushel, five-eighths bushel, three-fourths bushel, seven-eighths bushel, one bushel, one-and-one-eighth bushels, one-and-one-fourth bushels, one-and-one-half bushels, and two bushels, which, respec-

tively, shall be of the cubic content set forth in this section. For the purposes of this Act a bushel, standard dry measure, has a capacity of two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

[(a) The standard one-sixteenth bushel hamper or round stave basket shall contain one hundred and thirty-four and four-tenths cubic inches.

[(aa) The standard one-eighth-bushel hamper or round stave basket shall contain two hundred and sixty-eight and eight-tenths cubic inches.

[(b) The standard one-fourth-bushel hamper or round stave basket shall contain five hundred and thirty-seven and six-tenths cubic inches.

[(bb) The standard three-eighths bushel hamper or round stave basket shall contain eight hundred and six and four-tenths cubic inches.

[(c) The standard one-half-bushel hamper or round stave basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches.

[(cc) The standard five-eighths-bushel hamper or round stave basket shall contain one thousand three hundred and forty-four cubic inches.

[(d) The standard three-fourths-bushel hamper or round stave basket shall contain one thousand six hundred and twelve and eight-tenths cubic inches.

[(dd) The standard seven-eighths bushel hamper or round stave basket shall contain one thousand eight hundred and eighty-one and sixty-two one-hundredths cubic inches.

[(e) The standard one-bushel hamper or round stave basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

[(ee) The standard one-and-one-eighth bushel hamper or round stave basket shall contain two thousand four hundred and nineteen and twenty-two one-hundredths cubic inches.

[(f) The standard one-and-one-fourth-bushel hamper or round stave basket shall contain two thousand six hundred and eighty-eight cubic inches.

[(g) The standard one-and-one-half bushel hamper or round stave basket shall contain three thousand two hundred and twenty-five and sixty-three one-hundredths cubic inches.

[(h) The standard two-bushel hamper or round stave basket shall contain four thousand three hundred and eighty-four one-hundredths cubic inches.

[Sec. 2. That the standard splint baskets for fruits and vegetables shall be the four-quart basket, eight-quart basket, eleven-quart basket, twelve-quart basket fourteen-quart basket, sixteen-quart basket, twenty-four quart basket, and thirty-two quart basket, standard dry measure. For the purposes of this Act a quart standard dry measure has a capacity of sixty-seven and two-tenths cubic inches.

[(a) The four-quart splint basket shall contain two hundred and sixty-eight and eight-tenths cubic inches.

[(b) The eight-quart splint basket shall contain five hundred and thirty-seven and six-tenths cubic inches.

[(bb) The eleven-quart splint basket shall contain seven hundred and thirty-nine and two-tenths cubic inches.

[(c) The twelve-quart splint basket shall contain eight hundred and six and four-tenths cubic inches.

[(cc) The fourteen-quart splint basket shall contain nine hundred and forty and eight-tenths cubic inches.

[(d) The sixteen-quart splint basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches.

[(e) The twenty-four quart splint basket shall contain one thousand six hundred and twelve and eight-tenths cubic inches.

[(f) The thirty-two quart splint basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

[SEC. 3. That the Secretary of Agriculture shall in his regulations under this Act prescribe such tolerances as he may find necessary to allow in the capacities for hampers, round stave baskets, and splint baskets set forth in sections 1 and 2 of this Act in order to provide for reasonable variations occurring in the course of manufacturing and handling. If a cover be used upon any hamper or basket mentioned in this Act, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper or basket below that prescribed therefor.

[Sec. 4. That no manufacturer shall manufacture hampers, round stave baskets, or splint baskets for fruits and vegetables unless the dimension specifications for such hampers, round stave baskets, or splint baskets shall have been submitted to and approved by the Secretary of Agriculture, who is hereby directed to approve such specifications if he finds that hampers, round stave baskets, or splint baskets for fruits and vegetables made in accordance therewith would not be deceptive in appearance and would comply with the provisions of sections 1 and 2 of this Act.

[SEC. 5. That it shall be unlawful to manufacture for sale or shipment, to offer for sale, to sell, to offer for shipment, or to ship, hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled that do not have the capacity in bushels or quarts clearly stamped or marked thereon and do not otherwise comply with this Act, or parts of such hampers, round stave baskets, or splint baskets that do not comply with this Act: *Provided*, That this Act shall not apply to Climax baskets, berry boxes, and till baskets which comply with the provisions of the Act approved August 31, 1916, entitled "An Act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (Thirty-ninth United States Statutes at Large, page 673) and the regulations thereunder. Any individual, partnership, association, or corporation that violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$500: *Provided further*, That no person shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within the United States from whom the hampers, round stave baskets, or splint baskets, as defined in this Act were purchased, to the effect that said hampers, round stave baskets, or splint baskets are correct, within the meaning of this Act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of the hampers, round stave baskets, or splint baskets to such

person, and in such case such party or parties making such sale shall be amenable to the prosecution, fines, and other penalties which would attach in due course under the provisions of this Act to the person who made the purchase.

[SEC. 6. That any hamper, round stave basket, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets not complying with this Act which shall be manufactured for sale or shipment, offered for sale, sold, or shipped, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request the person entitled shall be permitted to retain or take possession of the contents of such hampers or baskets, but in the absence of such request, or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale, as the court or a judge thereof may direct. If such hampers, round stave baskets, splint baskets, or parts thereof be found in such proceeding to be contrary to this Act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or parts thereof be returned to the owner thereof or sold upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or parts thereof shall not be sold or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit and in the name of the United States.

[Sec. 7. That this Act shall not prohibit the manufacture for sale or shipment, offer for sale, sale, or shipment of hampers, round stave baskets, splint baskets, or parts thereof, to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this Act prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas.

[Sec. 8. That it shall be the duty of each United States attorney to whom satisfactory evidence of any violation of this Act is presented to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States in his district for the enforcement of the provisions of this Act.

[Sec. 9. That the Secretary of Agriculture shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this Act and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round stave baskets, and splint baskets, or parts thereof, subject to this Act, meet its requirements, and may take samples of such hampers, baskets, or parts thereof, the cost of which samples, upon request, shall be paid to the person entitled.

[Sec. 10. That for carrying out the purposes of this Act the Secretary of Agriculture is authorized to cooperate with State, county and municipal authorities, manufacturers, dealers, and shippers, to employ such persons and means, and to pay such expenses, including

rent, printing publications, and the purchase of supplies and equipment in the District of Columbia and elsewhere, as he shall find to be necessary, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

【Sec. 11. That sections 5 and 6 of this Act shall become effective at but not before the expiration of one year following the 1st day of November, next, succeeding the passage of this Act.】

Tobacco Plant and Seed Exportation Act

【That it shall be unlawful to export any tobacco seed and/or live tobacco plants from the United States or any Territory subject to the jurisdiction thereof, to any foreign country, port, or place, unless such exportation and/or transportation is in pursuance of a written permit granted by the Secretary of Agriculture. Such permits shall be granted by the Secretary only upon application therefor and after proof satisfactory to him that such seed or plants are to be used for experimental purposes only.

【Sec. 2. Any persons violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.】

The Naval Stores Act

【That for convenience of reference, this Act may be designated and cited as "The Naval Stores Act."】

【SEC. 2. That when used in this Act—

【(a) "Naval stores" means spirits of turpentine and rosin.

【(b) "Spirits of turpentine" includes gum spirits of turpentine and wood turpentine.

【(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

【(d) "Wood turpentine" includes steam distilled wood turpentine and destructively distilled wood turpentine.

【(e) "Steam distilled wood turpentine" means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

【(f) "Destructively distilled wood turpentine" means wood turpentine obtained in the destructive distillation of the wood.

【(g) "Rosin" includes gum rosin and wood rosin.

【(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

【(i) "Wood rosin" means rosin remaining after the distillation of steam distilled wood turpentine.

【(j) "Package" means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

【(k) "Person" includes partnerships, associations, and corporations, as well as individuals.

【(l) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place out-

side thereof; or within any Territory or possession or the District of Columbia.

[Sec. 3. That for the purposes of this Act the kinds of spirits of turpentine defined in subdivisions (c), (e) and (f) of section 2 hereof and the rosin types heretofore prepared and recommended under existing laws, by or under authority of the Secretary of Agriculture, are hereby made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least three months' notice of the proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same. No such standard shall become effective until after three months from the date of the promulgation thereof. Any standard made by this chapter or established and promulgated by the Secretary of Agriculture in accordance therewith may be modified by said Secretary whenever, for reasons and causes deemed by him sufficient, the interests of the trade shall so require, after at least six months' notice of the proposed modifications shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same; and no such modifications so made shall become effective until after 6 months from the date when made.

[The various grades of rosin, from highest to lowest, shall be designated, unless and until changed, as hereinbefore provided, by the following letters, respectively: X, WW, WG, N, M, K, I, H, G, F, E, D, and B, together with the designation "gum rosin" or "wood rosin," as the case may be.

[The standards herein made and authorized to be made shall be known as the "Official Naval Stores Standards of the United States," and may be referred to by the abbreviated expression "United States Standards", and shall be the standards by which all naval stores in commerce shall be graded and described.

[SEC. 4. That the Secretary of Agriculture shall provide, if practicable, any interested persons with duplicates of the official naval stores standards of the United States upon request accompanied by tender of satisfactory security for the return thereof, under such regulations as he may prescribe. The Secretary of Agriculture shall examine, if practicable, upon request of any interested person, any naval stores and shall analyze, classify, or grade the same on tender of the cost thereof as required by him, under such regulations as he may prescribe. He shall furnish a certificate showing the analysis, classification, or grade of such naval stores, which certificate shall be prima facie evidence of the analysis, classification, or grade of such naval stores and of the contents of any package from which the same may have been taken, as well as of the correctness of such analysis, classification, or grade and shall be admissible as such in any court.

[Sec. 5. That the following acts are hereby declared injurious to commerce in naval stores and are hereby prohibited and made unlawful:

[(a) The sale in commerce of any naval stores, or of anything offered as such, except under or by reference to United States Standards.

[(b) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

[(c) The use in commerce of the word "turpentine" or the word "rosin," singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter, or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for sale, advertising, or shipping anything other than naval stores of the United States standards.

[(d) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such.

[SEC. 6. That any person willfully violating any provision of section 5 of this Act shall, on conviction, be punished for each offense by a fine not exceeding \$5,000 or by imprisonment for not exceeding one year, or both.

[SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this Act. He shall report to the Department of Justice for appropriate action any violation of this Act coming to his knowledge. He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this Act.

[SEC. 8. That there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the administration and enforcement of this Act, and within the limits of such sums the Secretary of Agriculture is authorized to employ such persons and means and make such expenditures for printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel and supplies, and all other expenses as shall be necessary in the District of Columbia and elsewhere.

[SEC. 9. That if any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.]

[SEC. 10. That this Act shall become effective at the expiration of ninety days next after the date of its approval.]

Fair Packaging and Labeling Act

* * * * * *

SEC. 10. For the purposes of this Act—

* * * * * *

(b) the term “package” means any container or wrapping in which any consumer commodity is enclosed for use in the delivery or display of that consumer commodity to retail purchasers, but does not include—

(1) shipping containers or wrappings used solely for the transportation of any consumer commodity in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof;

(2) shipping containers or outer wrappings used by retailers to ship or deliver any commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; or

(3) containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231–233), the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234–236)【, the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251–256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257–257i)】.

()

Calendar No. 652

90TH CONGRESS
1ST SESSION

S. 2068

[Report No. 668]

IN THE SENATE OF THE UNITED STATES

JULY 10, 1967

Mr. ELLENDER (by request) introduced the following bill; which was read twice
and referred to the Committee on Agriculture and Forestry

OCTOBER 19, 1967

Reported by Mr. JORDAN of North Carolina, without amendment

A BILL

To repeal certain Acts relating to containers for fruits and vegetables; exportation of tobacco plants and seed; naval stores; and wool; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the Acts of Congress listed below are hereby repealed:

4 (a) The Act of August 31, 1916, entitled "An Act to
5 fix standards for climax baskets for grapes and other fruits
6 and vegetables, and to fix standards for baskets and other
7 containers for small fruits, berries, and vegetables, and for
8 other purposes" (39 Stat. 673, as amended; 15 U.S.C.
9 251-256) ;

10 (b) The Act of May 21, 1928, entitled "An Act to

1 fix standards for hampers, round stave baskets, and splint
2 baskets for fruits and vegetables, and for other purposes”
3 (45 Stat. 685, as amended; 15 U.S.C. 257-257i) ;

4 (c) The Act of June 5, 1940, entitled “An Act to
5 prohibit the exportation of tobacco seed and plants, except
6 for experimental purposes” (54 Stat. 231; 7 U.S.C. 516-
7 517) ;

8 (d) The Naval Stores Act approved March 3, 1923
9 (42 Stat. 1435; 7 U.S.C. 91-99) ;

10 (e) The Act of May 17, 1928, entitled “An Act to
11 authorize the appropriation for use by the Secretary of
12 Agriculture of certain funds for wool standards, and for other
13 purposes” (45 Stat. 593; 7 U.S.C. 415b-415d) .

14 SEC. 2. Section 10 (b) (3) of the Act of November 3,
15 1966 (80 Stat. 1302; 15 U.S.C. 1459 (b) (3)), is amended
16 to read as follows:

17 “(3) containers subject to the provisions of the Act
18 of August 3, 1912 (37 Stat. 250, as amended; 15
19 U.S.C. 231-233), or the Act of March 4, 1915 (38
20 Stat. 1186, as amended; 15 U.S.C. 234-236).”

21 SEC. 3. This Act shall become effective sixty days after
22 the date of its enactment.

90TH CONGRESS
1ST SESSION

S. 2068

[Report No. 668]

A BILL

To repeal certain Acts relating to containers for fruits and vegetables; exportation of tobacco plants and seed; naval stores; and wool; and for other purposes.

By Mr. ELLENDER

JULY 10, 1967

Read twice and referred to the Committee on
Agriculture and Forestry

OCTOBER 19, 1967

Reported without amendment

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued Oct. 23, 1967
For actions of Oct. 20, 1967
90th-1st; No. 169

CONTENTS

Adjournment.....	10,21	Farm Bureau.....	16	Repeal legislation.....	3
Air pollution.....	15,22	Foreign trade.....	7	Research.....	26
Appropriations.....	1,13,20	Forestry.....	12,24	Spending.....	9,14
Census.....	23	Legislative program.....	20	Tobacco.....	3
Containers.....	3	Meat inspection.....	17	Water systems.....	8
Continuing		Milk.....	2	Wilderness areas.....	6,25
appropriations.....	1	Naval stores.....	3	Wildlife.....	5
Cotton.....	20	Personnel.....	19	Wool.....	3
Economic development....	27	Potato labeling.....	4		
Electrification.....	18	Poverty.....	11		

HIGHLIGHTS: Senate committee reported continuing resolution. Senate passed military milk program extension and repeal of Standard Containers, Tobacco Seed and Plant Exportation, Naval Stores, and Wool Standards Acts. House committee voted to report poverty bill. House debated bill to facilitate exchange of forest lands for schools. House committee reported bill to increase authorization for forest survey.

SENATE

- 1. APPROPRIATIONS.** The Appropriations Committee reported with amendments H. J. Res. 888, to continue the appropriations of agencies whose regular appropriation bills have not yet been enacted. The Daily Digest states, "As approved by the committee, the bill would continue appropriations to Nov. 15, instead of Nov. 23 as stipulated by the House-passed bill, and would delete House-imposed restrictions on Federal expenditures" (S. Rept. 672). p. D938
- 2. MILK.** Passed as reported S. 2179, to extend for 3 years the milk program for the Armed Forces and veterans' hospitals. p. S15057
- 3. REPEAL LEGISLATION.** Passed without amendment S. 2068, to repeal the Standard Containers Acts of 1916 and 1928, the Tobacco Seed and Plant Exportation Act of 1940, the Naval Stores Act of 1923, and the Wool Standards Act of 1928. p. S15056

4. POTATO LABELING. Sen. Church spoke in favor of S. 562, to require labeling of potatoes to show the State of origin, and inserted testimony before the Commerce Committee in support of this measure. pp. S15053-6
5. WILDLIFE. Sen. Yarborough thanked the news reporters "who have played so essential and commendable a part in bringing into the public eye the dangers which are faced by our American wildlife and endangered species throughout the world." He also spoke in favor of his bill S. 4, to create the Big Thicket National Park, Tex., and S. Con. Res. 41, to convene a World Conference on the Conservation of Wildlife. pp. S15060-4
6. WILDERNESS AREAS. Sen. Moss disagreed with the implementation of the Act to set aside wilderness areas and stated, "The policy to date has always been to preserve areas of wilderness in the parks, and there is no reason to believe that objective will change with the change of administrations or for any other cause. I think it peculiar that we should tell the Park Service to tie its own hands so far as future planning and management are concerned." p. S15066
7. FOREIGN TRADE. Sen. Mundt inserted a resolution adopted by the VFW "Opposing All Forms of Trade, Commerce, and Financial Assistance to Communist or Communist-Controlled Nations." p. S15066
8. WATER SYSTEMS. Sen. Symington commended the work of the Farmers Home Administration in helping a rural county in Mo. obtain a county-wide water system and inserted an article relating to this project. pp. S15068-9
9. SPENDING. Sen. Proxmire stated that "the absence of a budgeting priority system continues to create a shambles within the Government. Everyone wants economy in Government, but the methods now being pursued can only lead to disastrous conditions and overall higher costs." pp. S15078-9
10. ADJOURNED until Mon., Oct. 23. p. S15081

HOUSE

11. POVERTY. The Education and Labor Committee voted to report (but did not actually report) S. 2388, amended, the poverty bill. p. D940
12. FORESTRY. Debated H. R. 10442, to provide for cash equalization of certain land exchanges proposed by public school authorities under laws authorizing the exchange of national forest or other lands administered by the Forest Service (pp. H13756-61). Rejected, 39-49, an amendment by Rep. Hosmer to provide that the funds go into miscellaneous receipts rather than into a special fund (pp. H13759-60). Rejected, 30-191, a motion by Rep. Hosmer to recommit the bill (pp. H13760-1).
The Agriculture Committee reported without amendment S. 1136, to increase from \$2½ million to \$5 million the authorization for the survey of forest resources (H. Rept. 802). p. H13782
13. APPROPRIATIONS. Received the conference reports on H. R. 9960, the independent offices and HUD appropriation bill (H. Rept. 803)(pp. H13754-6), and H. R. 12474, the NASA appropriation bill (H. Rept. 804)(p. H13756).
14. SPENDING. Reps. Joelson and Resnick recommended additional air-pollution control. pp. H13771, H13775

STATEMENT OF EDD MOORE, EXECUTIVE MANAGER, IDAHO GROWER SHIPPERS ASSOCIATION, INC., IDAHO FALLS, IDAHO

Mr. Chairman and Members of the Committee, my name is Edd Moore. I am the Executive Manager of the Idaho Grower Shippers Association, Inc. This is a non-profit voluntary association, with headquarters at 357 "C" Street, Idaho Falls, Idaho 83401, whose members are engaged in growing, packing, and shipping of Idaho potatoes. In the aggregate, they handle approximately 90 percent of the State's tonnage of fresh potatoes.

The importance of potatoes as a staple food has increased through the ages until today the annual world production exceeds 8 billion bushels—which now exceeds the production of wheat. Their annual value is greater than all the gold and silver produced. On a national basis, potatoes rate sixth in cash receipts exceeded only in value by cotton, wheat, soybeans, corn and tobacco—which incidentally are government supported.

Potatoes are the number one basic food in America and account for nearly 25 percent of all fresh fruits and vegetables purchased at retail. The per capita consumption is now reported to be 120 pounds.

Potatoes are produced in all 50 states and somewhere among these states potatoes are being planted and harvested every month in the year. In 1965 they were the most important cash crop in Maine, Rhode Island, New York, Idaho and Alaska. Production amounts to about 1½ million acres annually and is valued at retail in excess of 1½ billion dollars.

Presently, Idaho leads the United States in potato acreage, production and processing. Economically, potatoes are the "Main Spring of Idaho—the largest industry dollarwise." We have been producing and shipping potatoes for approximately 60 years and during that period of time have shipped over 1,815,000 carloads of potatoes from Idaho.

One of the most popular varieties produced in this country is the Russet Burbank. Idaho produces approximately one-half of this variety, the balance being grown in Washington, Oregon, California, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, Texas, Nebraska, North Dakota, Minnesota, Wisconsin, Michigan, Indiana, Ohio, New York and Maine. In the past several years Idaho's production of potatoes equals about 30 percent of the U.S. late production.

In recent years increased agricultural technology has resulted in many thousands of dollars being spent annually by the Federal Government, as well as the various states, for research at the production level, to improve the quality of potatoes for growers and consumers alike. Quality in potatoes is often based on the adaptability of a given variety to weather and soil conditions in a given locality. This, of course, leads to the phenomena of increased locality identification.

We wholeheartedly support S. 562. Enactment of this "National Potato Labeling Act" will afford the necessary protection to potato growers in their respective states who assess themselves for the purpose of promoting their potatoes. Most of the major potato producing states today are engaged in various types of promotional programs. To substantiate this fact we offer you copies of advertisements taken at random during the past year from "The Packer", a fresh fruit and vegetable publication. From these ads you will note that each state is promoting its own potatoes.

According to USDA, acreage harvested this past year from these 14 states, was in excess of 1,000,000 acres, or slightly over two-thirds of the total U.S. production. Potato growers are not subsidized by the Federal Government. Promotion is strictly a self-help program.

Congress has passed legislation directed to truth in labeling. Enacted over 25 years ago

was the Federal Seed Act, which includes seed potatoes shipped across state lines. This act specifically provides for, among other things, identification of the state of origin of the seed potatoes and the name and address of the shipper on all seed offered for sale. It is submitted that one of the principal reasons this legislation was enacted was to give to the growers who were buying seed protection as to the identity of the growing region, of the type of seed he desired to purchase and the type of seed that would best serve his needs.

The Perishable Agriculture Commodities Act was passed in 1930, which was sponsored by the late Senator Borah of Idaho. This Act specifically applies to trading rules and regulations governing the fresh fruit and vegetable industry, which were sorely needed to correct unethical trading practices. Under the existing provisions of the PAC Act, misbranding only occurs when the contents of a container do not correspond with the markings on the container. There are no specific provisions requiring identification of grade, variety, state of origin, shipper, packer or repacker. Here is a typical container extensively used throughout the country, which is completely void of the aforementioned identifications, yet in complete compliance with the PAC Act.

Again, please bear in mind that misrepresentation only occurs when the contents of a container do not correspond with the markings on the container. The positive need for enactment of the "National Potato Labeling Act" is to correct the many abuses of this unidentified container by word, act or deeds. For example: Visualize, if you please, a display of Russet Burbank potatoes in this unidentified container in a supermarket. Over or nearby this display is placed Point of Purchase material (such as we use in Idaho, and is available from some 15 other major Russet producing states) which is suggestive, appealing and positive in its identification. The adverse and improper result of this unethical practice is sale by association or inference. The innocent housewife is duped into thinking that the potatoes she buys in the unidentified package are potatoes coming from the state shown on the Point of Purchase material. This situation would be equally true for any variety from any area. Further, it would be equally true on a display of bulk potatoes. This devious sale technique is not a violation of the act.

In addition, the use of containers without representations of any sort lend themselves very readily to misrepresentation either by inference, or by word, act or deed, in the merchandising and sale of potatoes. In addition to this problem the failure to place any identification also makes it extremely difficult, if not impossible, to trace potatoes for the purpose of procuring enforcement of the PAC Act.

By contrast, here is a container that factually identifies the producer and state of origin. Certainly this type of container identifies the product so that a given consumer, having purchased the product, can then go back and repurchase the product knowing she will be getting the same product she previously purchased.

In addition, Congress passed the Federal Food, Drug and Cosmetic Act, which is administered by the Department of Health, Education and Welfare. This act prohibits the shipment in interstate commerce of a food if its labeling is false or misleading in any particular. The main difference between the two acts is that the Food & Drug law deems a food to be misbranded, if in package form, unless it bears a label containing the name and place of business of the manufacturer, packer, or distributor. We have been informed on several occasions by officials of the Food & Drug Administration that the origin of the food product is not required to be shown on the container. Nor does the

manufacturer, packer, or distributor need to be located at the point of origin of the product shipped. Therefore, a packer or distributor of potatoes could be located anywhere and ship his otherwise unidentified containers into any state and sell them into any market to his advantage and be within the Federal laws.

The very fact that potatoes can be legally sold without the identification of origin creates a very favorable atmosphere for those unscrupulous operators who practice the art of deception by inference, or otherwise. Sales by deceptive means or oral representation are practically impossible to enforce.

Following is an example as to the manner in which this type of deception works.

Let us say a packer or repacker, licensed under the PAC Act, is located in Chicago, Illinois, and is packaging potatoes for retail outlets. Further, that he is packing the Russet Burbank variety on a specified order for Washington Russets. Assume for the sake of discussion that the f.o.b. price of Russets in Wisconsin was about the same as in Washington. The freight differential between Washington and Wisconsin is approximately \$1.00 per hundredweight, or about \$500.00 per car. Through the use of the unidentified container as to point of origin, the retail buyer has absolutely no way of knowing where his potatoes originated. All the buyer can do is accept the oral word of the seller that he received Washington Russets. You can rest assured that the delivered price was based from Washington, and that the grower in Wisconsin was not compensated accordingly. Both the retailer and the consumer has paid an exorbitant price as a result of these trading practices. This same example could be used on red potatoes from Wisconsin and Red River Valley. An operator in New York City could purportedly be selling Maine potatoes but substituting locally grown potatoes. The same tactic could be performed in most of the major markets. This is vicious competition! With this excessive profit, this unethical operator can always undersell the legitimate operator. Results: either the legitimate operator is forced out of business or joins the club of quickbuck artists. Passage of S. 562 is urgently needed to correct these flagrant abuses.

The purpose of this bill is simple. It provides for the labeling of all fresh potatoes so that the ultimate consumers and buyers may know with certainty the state of origin of the potatoes purchased. Also, it will provide positive protection for the growers who are willing to invest their dollars to promote the sale of their potatoes.

It is our observation that labeling will improve product quality by identification of the packer, if for no other reason than pride of label. Packer identification will enhance the enforcement at the terminal or retail level when misbranding exists.

Enactment of the "National Potato Labeling Act" will materially assist the Food & Drug Administration in identifying the origin and packer when contaminated potatoes are shipped.

The fresh potato industry needs only true and accurate branding of state of origin, and the name and address of the packer, repacker or seller on every package or lot of fresh potatoes offered for sale.

The provisions of this Bill will equally protect the grower and consumer. Presently, the buying public is left entirely unprotected where specific identifications are lacking. To assure that the best practice of the marketplace become common practice against the selfish minority who defraud and deceive the public, charge unfair prices, or engage in other sharp practices, there exists an unquestionable need for passage of this vital legislation.

In closing, Mr. Chairman, we very much appreciate the opportunity afforded us to present our views on this bill. We respect-

fully request favorable action on this "National Potato Labeling Act" to afford the consumers an honest product selection, as well as to protect the growers and merchandisers of potatoes.

TESTIMONY OF HAROLD E. BRYANT TO BE PRESENTED TO THE SENATE COMMERCE COMMITTEE, RELATIVE TO S. 562

My name is Harold E. Bryant. I am executive Vice President of the Maine Potato Council, and Consultant to the Maine Potato Commission, both offices being located in Presque Isle, Maine.

The Maine Potato Council is a trade association of growers, shippers and allied industries associated with the production and marketing of Maine potatoes. We have as members all potato growers in the State of Maine.

I also represent the Maine Potato Commission. Since 1936 potato growers in the State of Maine have had a self-imposed tax whereby they tax themselves two cents a barrel (a barrel weighs 165 pounds) for all potatoes produced in Maine being used for human consumption. These funds are used for research, advertising and the promotion of Maine potatoes.

At the present time Maine is the second largest producer of potatoes in the United States, being second to the State of Idaho. Maine has been recognized over a period of many years as one of the leading producers of quality potatoes in the United States. Being located in the extreme northeastern part of the United States our natural sales and distribution territory for Maine potatoes is that area east of the Mississippi River.

Our potatoes are harvested in September and October and marketed throughout the winter months. In the marketing of our crop we compete with most of the other states who harvest their crop in the fall of the year and market during the winter months. This would include Idaho, N. Dakota, Minnesota, Wisconsin, Michigan and all of the eastern states north of Pennsylvania and New Jersey.

Like some, but not all, of our competing states our growers are continually trying to upgrade the quality of our product and improve the image of Maine potatoes in the market place. In addition to trying to deliver quality merchandise we, like Idaho and some other states, spend large sums of money promoting our potatoes in the market place. We believe we have an excellent quality product and we want the housewife to be able to identify that product and ask for it if she believes it to be the most desirable for her purposes. Regardless of the fact that we are spending a great deal of money promoting and advertising our potatoes we find that in many cases our efforts are being nullified and the housewife finds it impossible to identify our product or the product of any other quality-minded potato producing states because in too many cases potatoes may be advertised in the retail stores as coming from one state when actually they were grown in some other state.

In addition to this a practice has been developed in the retail stores whereby a broad area of identification will be used such as having signs saying "Eastern Potatoes". This is a very common practice in the markets along the eastern seaboard. "Eastern" potatoes could mean potatoes coming from anywhere in the east; they may come from excellent potato producing areas or may be extremely poor quality. If they are and the housewife is dissatisfied, far too often she will cease to buy potatoes of any kind, so that those states who are trying and do a good job of production and marketing are penalized along with those areas who do not put out the effort necessary to deliver quality merchandise.

Idaho for illustration is a strong competitor of Maine. We are willing to compete with

Idaho or any other quality-minded potato producing state, and let the housewife and the consuming public be a judge of the merits of our product compared to competitors. If we are unable to meet competition we must suffer the consequences.

However, we do believe that both consumers and growers are entitled to have the product they buy, and in the case of growers the product they sell, identified so that everyone knows what they are buying and may be able to reward or penalize the producers on the basis of the quality merchandise they are delivering.

Representing the potato industry in the State of Maine we urge this committee to support S. 562.

Mr. CHURCH. Mr. President, I wish to acknowledge the presence in the Chamber this morning of my distinguished colleague, the Senator from Idaho [Mr. JORDAN], who has joined with me in the cosponsorship of this measure, along with the senior Senator from Washington [Mr. MAGNUSON], chairman of the Committee on Commerce.

Mr. JORDAN of Idaho. Mr. President, I concur fully with the remarks of my distinguished colleague [Mr. CHURCH].

The production of quality potatoes is big business in my State, just as it is in other States. In Idaho we are justly proud of the quality of our potatoes. Our bill, S. 562, gives the consumer protection by insuring that the label on the potatoes the housewife buys does not misrepresent the product.

Idaho potato farmers and shippers have come to Washington in unanimous support of the bill, as have persons from other parts of the Nation. All we ask is that the bill be reported out of committee so that all Senators may have the opportunity to make up their own minds as to its merits.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 652, S. 2068; Calendar No. 653, S. 2179; Calendar No. 654, S. 108; and Calendar No. 655, H.R. 11767.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN ACT TO FIX STANDARDS FOR HAMPERS, ROUND STAVE BASKETS, AND SPLINT BASKETS FOR FRUITS AND VEGETABLES

The bill (S. 2068) to repeal certain acts relating to containers for fruits and vegetables; exportation of tobacco plants and seed; naval stores; and wool; and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Acts of Congress listed below are hereby repealed:

(a) The Act of August 31, 1916, entitled "An Act to fix standards for climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 Stat. 673, as amended; 15 U.S.C. 251-256);

(b) The Act of May 21, 1928, entitled "An Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes" (45 Stat. 685, as amended; 15 U.S.C. 257-257i);

(c) The Act of June 5, 1940, entitled "An Act to prohibit the exportation of tobacco seed and plants, except for experimental purposes" (54 Stat. 231; 7 U.S.C. 516-517);

(d) The Naval Stores Act approved March 3, 1923 (42 Stat. 1435; 7 U.S.C. 91-99);

(e) The Act of May 17, 1928, entitled "An Act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes" (45 Stat. 593; 7 U.S.C. 415b-415d).

Sec. 2. Section 10(b)(3) of the Act of November 3, 1966 (80 Stat. 1302; 15 U.S.C. 1459 (b)(3)), is amended to read as follows:

"(3) containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231-233), or the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234-236)."

Sec. 3. This Act shall become effective sixty days after the date of its enactment.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 668), explaining the purposes of this bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill, which was requested by the Department of Agriculture, would repeal the Standard Container Acts of 1916 and 1928, Tobacco Seed and Plant Exportation Act of 1940, Naval Stores Act of 1923, and Wool Standards Act of 1928.

The Standard Container Acts prescribe standard sizes and capacities for certain types of baskets and hampers used in shipping fresh fruits and vegetables. The Department advises that shipping methods have so changed since the acts were enacted, that now less than 10 percent of fresh fruits and vegetables are marketed in the regulated baskets and hampers. With repeal of these acts, the bill would bring the containers regulated by them under the Fair Packaging and Labeling Act, approved last year. The Tobacco Seed and Plant Exportation Act prohibits exportation of tobacco seed in order to protect American growers, and is no longer useful since tobacco production is now well established outside the United States. The Naval Stores Act provides for the establishment of standards and grading and prohibits false or misleading practices, and the Wool Standards Act provides for the development of standards. The standards and grading work now done under the latter two acts can be done under the Agricultural Marketing Act of 1946, and the Department advises that there is no need for special legislation covering these two commodities. With the repeal of such legislation the Department advises that it could reduce its standards and inspection work on naval stores and its standards work on wool to a level commensurate with the need therefor.

The Department estimates that enactment of the bill will result in an annual reduction of \$116,000 in Federal expenditures.

ment—there is hope that we are reaching toward meaningful levels of accomplishment. Programs for low-cost housing, increased job opportunities, and recreational sites, plus legislation in the civil rights field, will help. But while such good works are essential, and require expansion and improvement, they are basically firefighting operations rather than long-range solutions.

What is the long-range solution? What is the thing that could do the most effective job of solving the problems of our cities? I submit it lies in the early development of the child through special and effective educational programs that really emphasize individual attention to the child.

In his Chicago studies, Bloom found that intelligence patterns are 50 per cent established by age 4 and 80 per cent established by age 8. Obviously, then, this is the area in which we must work the hardest. We must compensate for environmental deficiencies by providing a total education not simply academic in nature.

Communication is the key. As Dr. Earl Jackson of Wilmington's Bancroft School says: "We learn to read in grades one through three, then we read to learn."

We need a program that includes strong emphasis on health, basic living tools, language arts, and broadened experiences. The fact of the matter is we have to concentrate our efforts on these four to eight-year-olds.

Such a program requires large amounts of additional money. It makes financial sense because it will cost far less to solve the problem now than later. These are kids who above all deserve a chance in this life. These are people, not statistics. To fail to take this opportunity now, is to mass-produce children who will be problems for society their entire lives, and the problem snowballs as population grows.

What is being done in this field today? What has been learned that we can apply here in Wilmington?

One national pioneer effort has been Operation Headstart, one of the few successful efforts in the "War on Poverty." Headstart, as you know, began on a summer basis with pre-school youngsters, attempting to prepare them for school. Generally, it involves children between three and five years old. The summer programs now serve about 500,000 children, the full-year programs about 200,000.

Mr. Jule Sugarman, director of Headstart, testified before a U.S. Senate committee last June on this program and had the following to say about its success:

"... in general, the research says the child who comes into Headstart is substantially below the advantaged child in his development. If you use a scale of 100, he is down somewhere around 80 or 85. After he has been in Headstart, he is up to the 90 to 95 range. He is below the average child, but still significantly better than when he came into the program."

Mr. Sugarman also noted that "... it is particularly true that the child who was the worst off when he started is one who gains the most in the program. . . ."

But let us consider what Mr. Sugarman had to say next for this is important in terms of the long-range solution.

"After the child has been out of Headstart for a few months or a year he tends to lose some of the gains he has achieved during the Headstart program, a fact which we attribute largely to the kind of program into which he goes in the school system, whether it be kindergarten or first grade. He does not slip back to his original level, but he does not maintain the level of gain that he first achieved in the program."

A little later in his testimony, Mr. Sugarman says that his office anticipates this kind of assistance is necessary through the third grade, although not as many children may need this much.

Further evidence comes from Jeanne S. Park, an information officer in HEW's Office of Education, writing in the American School Board Journal last August. She wrote:

"Research has demonstrated that the gains which children make in Head Start classes often are lost in the transition to classroom work in regular schools, unless the schools also provide special attention."

So Headstart by itself will just not answer the problem.

Recognizing this, the Office of Economic Opportunity is working on a new program called Follow Through, designed to pick up where Headstart leaves off. It has begun this fall in a limited version in 30 communities, involving some 3,000 children and costing 3 million federal dollars. It begins in a major way next fall when it will involve 190,000 children and 120 million federal dollars. Communities will be encouraged to experiment. None of these pilot programs is operating in Delaware.

Another way in which the federal government participates in this kind of work is through the Elementary and Secondary Education Act of 1965. Title I of that act deals with education of children of low-income families.

Perhaps the most interesting, and most controversial, program of all is operating in 21 schools in New York City, where it began three years ago. It is called the More Effective Schools, or MES, program.

It is a total program from pre-kindergarten through the entire elementary school. Its key concept is individual attention and total education. In pre-kindergarten, there are no more than 15 pupils per class. There are three teachers per class. In kindergarten, there are no more than 20 pupils per class. There are two teachers per class. In grades one through six, there are no more than 22 pupils per class. There are four teachers for three classes.

Also, there is a full-time health counselor, three full-time guidance counselors, one full-time psychologist, one part-time psychiatrist, junior guidance classes, and a full-time social worker. There also are teaching specialists in reading, math, art, audio-visual work, science, music, and English language available to all children.

I noted that this program is controversial. This is so because of serious differences of opinion over its effectiveness. There is no question that it has brought many benefits. Teachers like to teach in this program. Parents are happier too. Discipline problems are fewer. Absenteeism is lower. There is an improved atmosphere. But this is a program that costs twice as much per student as the regular program, and such expenditure requires proof of academic achievement also. Here is where the controversy exists.

One report was in a recent Wall Street Journal article on MES, where it noted that "in standard tests given last April, second and third grade pupils in the 21 MES schools displayed reading ability at the national norm or above. . . . In 240 other slum-area schools in New York, by contrast, second-graders were five to six months behind norms in reading developments, while third-graders lagged even more."

But on the other side we cannot ignore a study released last week by the Center for Urban Education, a federally-financed researched and education agency. This study said that while there are many side benefits of the MES program—a better atmosphere, better discipline, et cetera—the children do not test significantly higher. The problem, according to those who made this study, is that teachers need special training to teach in such a program. With imaginative training, the people who made the study feel such a program would have a real chance of success.

Many cities have begun a campaign for MES-type education. The McCone Commis-

sion, in its Watts report, said that this was the only type of program that could succeed there.

California, according to a June report in the Christian Science Monitor, is involved in this so-called compensatory education. Here is a comment by Dr. Wilson C. Riles, who heads that program:

"We didn't expect any gains in so short a time. The amazing thing to me is that we made some. Youngsters in the first semester made one month's gain for every month of the program."

"That may not sound like anything special. But before, those same kids were making only $\frac{1}{12}$ of a month's gain for each month in school. That means they were falling steadily behind everybody else month by month. By the time some of them got to high school, they were three or four years behind."

"Our program so far hasn't closed that gap. But it shows we could stop the backward drift. It prevented them from falling still further behind."

In Pittsburgh, they are using lower pupil-teacher ratios, team teaching, preprimary education to prepare slum children for early grades, and a 4½ day week 11 months of the year.

With all this as background, I'd now like to return to Wilmington and discuss a possible program for this city.

I propose that the Wilmington schools take on a project in this area that we might call catch-up education. I would propose that one school be selected, a school where 50 per cent or more of the children are in the poverty or disadvantaged category. Let's take the children between four and eight years of age, which means adding a new grade level for the four-year-olds. Let's make kindergarten a full instead of half-day program, which means doubling the program for five-year-olds. Let's reduce class sizes in the first three grades to about half of what they are now; namely, one professional working with 15 youngsters rather than 30 or 35. Let's extend the school year for these children to 11 months, which means adding six weeks to the present school year. Let us keep in the back of our minds, as another possibility, the idea of extending the school day from 8 a.m. until 5 p.m. And let us try to involve the parents of these children as much as possible.

Then, let us do what the gentlemen who made the New York study recommended to me: provide special and imaginative training for the teachers in this program so as to reach maximum effectiveness in the small classes, individual instruction, etc.

Let us see whether this works, on a demonstration basis. I believe it would be a national first. And, if necessary, I feel that federal demonstration project funds might be available to help us out.

It might range from \$150,000 to \$450,000 depending upon the school selected. It would certainly be worthwhile to see if we can make this work here.

If catch-up does work after a year's operation, then we had better be prepared to take the bull by the horns and find the funds to do the job in the whole city of Wilmington.

What are we talking about in terms of a full-fledged program? If we consider Wilmington elementary schools where at least 50 per cent of the children at a poverty or disadvantaged level, we are talking about eight schools and 5,000 children between ages four and eight. To provide smaller classes and an extended school year I am told, would mean about \$450 per pupil over and above the current cost of about \$560. This does not include additional building space.

Total cost would be slightly over \$2 million.—This does not include special teacher training or added physical plant.

It is noteworthy that the Delaware committee studying causes of civil unrest, in its recent report on education, recommended establishment of state-supported kindergartens, that Headstart be made a permanent federally-financed program for a full school day and all year around, and that additional teachers be allotted to schools with children having special needs. Thus, this committee recognized the need and has gone part of the way.

I think it is obvious that Wilmington cannot alone undertake the financing of such a large program. The federal government, and the State government, will have to participate.

We shall also need the support—and I mean the full and energetic support—of all the leadership available to us. This will be crucial if it is to come to pass.

We obviously need support also from civic and community groups, such as your Committee of 39, and elected officials at all levels.

And finally, it must be done on an absolutely nonpartisan basis.

Let us try this out on a demonstration basis. For we need this kind of program here. We must determine soon whether this will work. If it does, we must have the courage, intelligence and boldness to part with a sizeable piece of our national and local treasure in order to preserve that treasure later on. That treasure obviously is both economic and human.

We should do it for humanitarian reasons because it is the right thing to do. We should do it for financial reasons, because it will save us money in the long run. If we want to live together successfully in this city and nation, we had best get on with the job.

We live in a time when men talk of going to the moon. We must apply the same energy, talent and resources to a more critical program, that of improving the lives and opportunities of all Americans.

Among all cities, Wilmington should have the capacity to solve its problems. If we here can't do it, and I know we can, then it is difficult to conceive of this nation as a whole doing it—Thank you.

PRESERVATION OF WILDLIFE GAINS NEW FRIEND: NBC NEWS

Mr. YARBOROUGH. Mr. President, during the last few decades there has been a rapid increase of interest on the part of all Americans in the preservation of endangered species such as the disappearing American bison and the spectacular whooping crane. It was front-page news recently that at Patuxent Wildlife Research Center a number of whooping crane eggs have been artificially hatched, providing new hopes and possibilities for the continuation of this greatly endangered species.

This interest and concern are, in part, a result of long-term dedicated work by such great conservationists as former President Theodore Roosevelt and his helper, Gov. Gifford Pinchot, of Pennsylvania; and by John Muir and cartoonist "Ding" Darling. But, even more, this public concern is the result of an increasing attention being paid to conservation and wildlife preservation by concerned American news media.

I take this occasion to thank heartily those news writers and news reporters who have played so essential and commendable a part in bringing into the public eye the dangers which are faced by our American wildlife and endangered species throughout the world. Especially I wish to thank the managers and writers

of NBC News Service, which on Friday, September 29, 1967, presented to the American public a report on American wildlife which will live in the minds of its viewers for months to come.

In "American Profile: Our Endangered Wildlife," Ed Cobb, whose "Mark Twain" series has educated the American public in the wonders of our natural world, narrated the story of our present battle in this country to save endangered species in the face of great industrial growth and change.

Included in this documentary are the vital, and frightening, needs for greater protection of the dainty Florida key deer, the disappearing timber wolf, and the recently rediscovered ivory bill woodpecker of the Big Thicket areas of Texas. I have mentioned on the floor of the Senate this great event in the annals of wildlife research, the recent reported sighting of this species which has long been thought extinct, and I have expressed my great concern for the adequate protection of this bird. I repeat on this occasion that this and like endangered species must be preserved for future generations of Americans, as well as for ourselves.

In this excellent documentary on American species, NBC notes in the words of one of Conservation's great men, Dr. Aldo Leopold, of the University of California at Berkeley, that:

For one species to mourn the death of another is a new thing under the sun. We who have lost our (passenger) pigeons mourn the loss. Had the funeral been ours, the pigeon would hardly have mourned us. In this fact, rather than in nylons or atomic bombs, lies evidence of our superiority over the beasts.

In this statement lies the essential quality of the conservation movement: It demands the inspiration of its followers with an esteem for the natural world of which we are a part. Without this inspiration of which only man is capable, conservationists would go begging; there would be no American bison, no whooping crane, there would remain no more bald eagle, the symbol of our Nation. But this has not happened, greatly to the credit of all Americans, and greatly to the credit of a concerned and involved American news service. For with the appearance of such a program as this by NBC News, Americans are again advised of the progress, and the remaining needs, of their efforts to preserve their fellow species; and by this report they again receive the appeal to notice, and to care about, the wildlife which they encounter seldom in the midst of urbanized modern living.

I have sponsored Senate Concurrent Resolution 41 for the purpose of convening a World Conference on the Conservation of Wildlife; I encourage the passage in the near future of my Big Thicket National Park bill, S. 4, which would preserve the habitat of the greatly endangered ivory bill woodpecker.

It is by such legislation as this that we in Congress can work toward the preservation of the natural world in which we live, and can show our esteem for the works of creation.

My Correspondence from Texas and

across the Nation convinces me that this is a cause very dear to the hearts of Americans everywhere. And such reports as NBC's "Our Endangered Wildlife" encourage my belief that this situation and this need are recognized by the most important forces, the most essential registers, of our Nation's outlook on the world, and her concern for the world of the future.

Mr. President, I ask unanimous consent that the transcript of the NBC program "Our Endangered Wildlife" be printed in the RECORD.

There being no objection, the transcription was ordered to be printed in the RECORD, as follows:

AMERICAN PROFILE: "OUR ENDANGERED WILDLIFE"

(Transcription from tape of an NBC News documentary which appeared Friday, September 29, 1967)

VOICE. "American Profile," the first of a series of documentary glimpses of the continent on which we live; brought to you by American Iron and Steel Institute. Look for the steel mark on things you buy. Today and tomorrow steel makes things better for you; and by New York Life Insurance Company. The New York Life agent in your community is a good man to know.

[Commercial.]

VOICE. Now to narrate this special NBC News Report on "Our Endangered Wildlife," here is artist and conservationist Ed Dodd, creator of "Mark Trail."

Mr. Ed Dodd. I'd like to show you a book. It hasn't been published, and it won't be. The title is "Rare and Endangered Fish and Wildlife in the United States." It cover is red, denoting danger. Inside are reports on 323 wildlife creatures: mammals on salmon pink; birds on green; reptiles and amphibians on yellow; and fishes on blue.

More than 300 individuals and organizations, all specializing in wildlife studies, were consulted to prepare that preliminary report; and from it has been distilled a master list of seventy-eight species threatened with extinction. This is a frightening number, in light of our past record. In what we might call modern times, we have seen the passing—to mention only a few—we have seen the passing of the Great Auk, the Heath Hen, the Sea Mink, the Carolina Parakeet, the Labrador Duck, Steller's Sea Cow, the Mammoth, and, to mention the classic example of destruction, the Passenger Pigeon.

In the early 1800's there were billions of passenger pigeons in the United States, perhaps 5 billion. The passenger pigeon was edible and available, and vast flocks were slaughtered indiscriminately.

On September 1st, 1914, the last of the passenger pigeons died at the Cincinnati Zoological Gardens. The bird was a female named Martha. There is much dispute about her age, and what caused her death. All that is really of little value. The point is that she was the last of a species. She stands mummified now at the Smithsonian Institution, mute in death, yet speaking volumes on the foolishness of man.

And we did nearly the same thing with the buffalo—the American bison—and in the same time period. At the end of the Civil War in 1865 four massive herds of buffalo covered the Plains, from the Canadian border to deep into Texas. There were tens of millions of them. Then two great transcontinental railroads were pushed across the nation, followed by settlers and cities and vast expansion. Between 1865 and 1885, in the short period of eighteen years, these herds were reduced from millions to only 740.

The first real wildlife conservation program in the United States was started then,

90TH CONGRESS
1ST SESSION

S. 2068

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 1967

Referred to the Committee on Science and Astronautics

AN ACT

To repeal certain Acts relating to containers for fruits and vegetables; exportation of tobacco plants and seed; naval stores; and wool; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Acts of Congress listed below are hereby repealed:

4 (a) The Act of August 31, 1916, entitled "An Act to
5 fix standards for climax baskets for grapes and other fruits
6 and vegetables, and to fix standards for baskets and other
7 containers for small fruits, berries, and vegetables, and for
8 other purposes" (39 Stat. 673, as amended; 15 U.S.C.
9 251-256) ;

10 (b) The Act of May 21, 1928, entitled "An Act to

1 fix standards for hampers, round stave baskets, and splint
2 baskets for fruits and vegetables, and for other purposes”
3 (45 Stat. 685, as amended; 15 U.S.C. 257-257i) ;

4 (c) The Act of June 5, 1940, entitled “An Act to
5 prohibit the exportation of tobacco seed and plants, except
6 for experimental purposes” (54 Stat. 231; 7 U.S.C. 516-
7 517) ;

8 (d) The Naval Stores Act approved March 3, 1923
9 (42 Stat. 1435; 7 U.S.C. 91-99) ;

10 (e) The Act of May 17, 1928, entitled “An Act to
11 authorize the appropriation for use by the Secretary of
12 Agriculture of certain funds for wool standards, and for other
13 purposes” (45 Stat. 593; 7 U.S.C. 415b-415d) .

14 SEC. 2. Section 10 (b) (3) of the Act of November 3,
15 1966 (80 Stat. 1302; 15 U.S.C. 1459 (b) (3)) , is amended
16 to read as follows:

17 “(3) containers subject to the provisions of the Act
18 of August 3, 1912 (37 Stat. 250, as amended; 15
19 U.S.C. 231-233), or the Act of March 4, 1915 (38
20 Stat. 1186, as amended; 15 U.S.C. 234-236).”

1 SEC. 3. This Act shall become effective sixty days after
2 the date of its enactment.

Passed the Senate October 20, 1967.

Attest:

FRANCIS R. VALEO,

Secretary.

AN ACT

To repeal certain Acts relating to containers for fruits and vegetables; exportation of tobacco plants and seed; naval stores; and wool; and for other purposes.

OCTOBER 23, 1967

Referred to the Committee on Science and Astronautics

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
(NOT TO BE QUOTED OR CITED)

Issued February 28, 1968
For actions of February 27, 1968
90th-2nd; No. 29

CONTENTS

Aquatic plants.....32	Fish inspection.....29	Poultry inspection.....33
Arts and humanities.....7	Food services.....27	Poverty.....16,22
Census.....22	Foreign trade.....6,14	Program evaluation.....26
Commodity programs.....9	Fruits and vegetables....3	Public Law 480.....9
Conservation.....15	Grains agreement.....8	Research.....24
Consumers.....35	Health.....30	River basin.....25
Containers.....3	Housing.....18,34	Rural poverty.....22
Dairy prices.....3	Inter-American Development Bank.....10	School lunch.....2,20,27
Defense production.....11	Job Corps.....16	Travel.....4
Employment.....17	Organization.....30	Veterans.....31
Exports.....6,14	Personnel.....36	Voting record.....21
Export-Import Bank.....6	Pollution.....32	Water.....5,12
Farm program.....1,9	Potatoes.....24	Wilderness.....19
Feed grain.....28		

HIGHLIGHTS: Both Houses received President's farm message. Rep. Albert and Sen. Ellender commended the message. House committee reported school lunch bill.

HOUSE

1. FARM PROGRAM. Both Houses received the President's farm message (H. Doc. 267); to House Agriculture Committee and Senate Agriculture and Forestry Committee (pp. H1394-8, S1725-9). Attached to this Digest is a copy of the message. Additional copies are available in room 117E, Ext. 4654.
Rep. Albert commended the President's message. p. H1398

2. SCHOOL LUNCH. The Education and Labor Committee reported with amendment H. R. 15398, to amend the National School Lunch Act to strengthen and expand food service programs for certain children while they are not in regular school programs (H. Rept. 1114). p. H1457
3. CONTAINERS. The Science and Astronautics Committee reported without amendment H. R. 13058, to repeal certain acts relating to containers for fruits and vegetables (H. Rept. 1106). p. H1457
4. TRAVEL. The Rules Committee reported with amendment H. Res. 1070, to provide for travel by members of the Agriculture Committee to attend the Foreign Agricultural Service European Attache Conference (H. Rept. 1112). p. H1457
5. WATER. The Interior and Insular Affairs Committee reported with amendment S. J. Res. 123, to approve long-term contracts for delivery of water from Navajo Reservoir, N. Mex. (H. Rept. 1106). p. H1457
6. EXPORT-IMPORT BANK. Agreed to the conference report on S. 1155, to continue the Export-Import Bank for five years and increase its authorization. This bill will now be sent to the President. pp. H1399-400
7. ARTS AND HUMANITIES. Passed, 272-123, with amendments H. R. 11308, to extend the authorization for appropriations for the National Foundation on the Arts and the Humanities Act of 1965. pp. H1400-38
8. GRAINS AGREEMENT. Rep. May inserted an editorial, "Threat to Export Sales," discussing the "difficulties faced by the United States in its apparent intention to adhere to the price minimums in the International Grains Arrangement." p. H1455

SENATE

9. FARM PROGRAM. Sen. Ellender commended the President's farm message but said it is not the intention of the Agriculture and Forestry Committee to report a bill until next year. He recommended that continuation of the commodity programs not be on a permanent basis as recommended by the President. He said it may be possible to finish consideration of the Public Law 480 extension bill by the end of Mar. pp. S1747-9
10. INTER-AMERICAN DEVELOPMENT BANK. Received from the National Advisory Council on International Monetary and Financial Policies a report on U. S. participation in a proposed increase in the authorized callable capital stock of the Inter-American Development Bank, Feb. 1968. p. S1733
11. DEFENSE PRODUCTION ACT. Received from the Office of Emergency Planning a draft bill "to amend the Defense Production Act of 1950"; to Banking and Currency Committee. p. S1733
12. WATER RESOURCES. Received from Water Resources Council a draft bill "to amend the Water Resources Planning Act"; to Interior and Insular Affairs Committee. p. S1734

REPEALING CERTAIN ACTS RELATING TO CONTAINERS FOR FRUITS AND VEGETABLES

FEBRUARY 27, 1968.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MILLER, from the Committee on Science and Astronautics, submitted the following

REPORT

[To accompany H.R. 13058]

The Committee on Science and Astronautics, to which was referred the bill (H.R. 13058) to repeal certain Acts relating to containers for fruits and vegetables and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 13058 would repeal the Standard Container Act of August 31, 1916 (39 Stat. 673; 15 U.S.C. 251-256), and the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U.S.C. 257-257i), and amend the Fair Packaging and Labeling Act of November 3, 1966 (80 Stat. 1296; 15 U.S.C. 1451), to conform with these repeals.

EXPLANATION OF THE BILL

The act of August 31, 1916 (15 U.S.C. 251-256), known as the Standard Container Act of 1916, establishes standard sizes for Climax baskets for grapes and other fruits and vegetables and fixes standards for baskets and other containers for small fruits, berries, and vegetables. The act provides for the examination by the Department of Agriculture of containers subject to regulation to determine their compliance with the law.

The act of May 21, 1928 (15 U.S.C. 257-257i), known as the Standard Container Act of 1928, establishes standard sizes for hampers, round stave baskets, and splint baskets used for fresh fruits and vegetables. Specifications of containers covered by the act are submitted to and approved by the Department of Agriculture if such

containers are of the prescribed capacity and not deceptive in appearance.

The Fair Packaging and Labeling Act of November 3, 1966 (80 Stat. 1296; 15 U.S.C. 1451), in Sec. 10(b)(3) excludes "packages" subject to the provisions of the Acts of 1916 and 1928. Sec. 2 of H.R. 13058 deletes from the Fair Packaging and Labeling Act references to these two Acts in order that there be no misinterpretation of the purpose of the repeal of the Acts. With the enactment of this section, there will then be no question that containers now subject to the two Standard Container Acts will not be exempt from regulation under the Fair Packaging and Labeling Act.

When the Acts of 1916 and 1928 were passed, baskets and hampers were the principal types of containers used for the shipment of fresh fruits and vegetables. At that time, because of the large number of sizes of containers being manufactured, a strong movement developed in the industry, particularly among container manufacturers, to bring about some degree of standardization in order to reduce the resultant unnecessary cost, confusion, and deception.

In the years since the enactment of the Standard Container Acts, changes have taken place in the containers used for shipping fresh fruits and vegetables. Baskets and hampers, formerly the principal types used, have been displaced in large part by newer types.

In addition, the trend in trading in fruits and vegetables, as well as other commodities, has been toward selling by weight and count, rather than by volumetric measurements. Consequently, the volume of containers no longer has the same impact on marketing factors as when these laws were enacted.

Of the large and increasing number of containers now widely used, such as fiberboard cartons, wirebound and nailed crates, wooden boxes and lugs, mesh, paper, and plastic bags, some were not in use at all for fruits and vegetables at the time these acts were passed. None of these newer containers are regulated by Federal law as to shape, size, or capacity, although they must be appropriately labeled or marked in accordance with the Fair Packaging and Labeling Act and the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301).

Testimony presented to the Committee revealed that because of the growth in the use of containers not covered by these Acts, less than 10 percent of the fresh fruits and vegetables shipped in interstate commerce now are packed in containers regulated by these Acts. Further, it was revealed that the number of manufacturers and the different types of containers manufactured have declined by about 31 percent and 20 percent, respectively, in the past 10 years.

In view of the limited volume of fresh fruits and vegetables currently being shipped in containers subject to regulation under the Standard Container Acts of 1916 and 1928, the continuing trend toward wider use of types of containers not subject to Federal regulation, and the fact that most fruits and vegetables are now sold by weight or count, the Committee is convinced that the continued administration of these laws is no longer justified. Additionally, the repeal of these two laws will remove possible sources of ambiguity wherein Sec. 3 of the Standard Container Act of 1916 states "that it shall be unlawful to manufacture for shipment or to sell for shipment or to ship from any state or territory of the United States or the District of Columbia any climax basket or other containers for small

fruits, berries, or vegetables, whether filled or unfilled, which do not conform to the provisions of this Act * * *." Testimony indicated that fresh frozen vegetables do not now conform with these Acts, primarily because the marketing of frozen foods at the time of the enactment of these laws was not contemplated. Additionally, there is no definition of "small fruits". The Committee is convinced that the repeal of these laws is desirable and that a saving can be achieved through repeal without detriment to the fruit and vegetable industry or to the public.

Although the Committee recommends that these laws be repealed or amended, we believe that the consumer and marketing public should be protected through the prohibition of unfair and deceptive packaging and labeling practices. The safeguards contained in the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act are adequate to provide this needed protection.

COSTS

Testimony presented by Mr. Arthur E. Browne, Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service of the Department of Agriculture, revealed that repeal of these Acts will result in a savings of approximately \$16,200 annually.

COMMITTEE HEARINGS

Testimony was taken by an Ad Hoc Subcommittee on September 27, 1966 (the Ad Hoc Subcommittee to Consider S. 17, Eighty-ninth Congress) on the repeal of these two Acts. In view of this prior testimony and the lack of commercial opposition to the repeal of these statutes, the Committee did not take additional testimony in its consideration of H.R. 13058. Printed in this report, however, are letters from previous witnesses, agencies and others who were interrogated to determine if any opposition had developed since September 1966 or whether any witnesses desired to present additional testimony bearing on the repeal of the Acts. No new facts were presented.

Additionally, in testimony on September 27, 1966, Mr. Malcolm W. Jensen, Chief, Office of Weights and Measures of the National Bureau of Standards, presented a list of the states which had responded to an inquiry as to whether they opposed repeal of these two Acts. Of the thirty-one states that had responded eleven states had opposed the repeal. Two additional states and the District of Columbia responded but made no recommendation. The Committee on August 29, 1967, wrote these states and the District of Columbia, soliciting their current views. All of these states and the District of Columbia have now replied to the Committee agreeing to repeal except the states of Connecticut, and Texas. The replies of these states are printed below. A total of twenty-nine states and the District of Columbia plus Puerto Rico have now agreed to repeal. Additionally, there is printed the statement of Mr. Alvin A. Voges, President, Secretary-Manager of the American Veneer Package Association, Inc., Orlando, Florida, and letters from the Keyes Fibre Co., 420 Lexington Avenue, New York, N.Y., and Pierce, Atwood, Scribner, Allen and McKusick, 465 Congress Street, Portland, Maine.

TEXAS DEPARTMENT OF AGRICULTURE,
September 11, 1967.

Mr. J. EDWARD ROUSH, M.C.

Chairman, Ad Hoc Subcommittee, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. ROUSH: Attached is a copy of a letter from Mr. Dallas Ingle, Supervisor of the Texas Federal Inspection Service, concerning standard containers used in the Rio Grande Valley. This is in answer to your letter of August 29, 1967.

If you have any additional questions, may I suggest you contact Mr. Ingle direct at the below address.

Sincerely,

R. T. WILLIAMS,

Director, Consumer Services Division.

(Mr. Dallas Ingle, Supervisor, Texas Federal Inspection Service, Post Office Box 111, Harlingen, Tex. 78550.)

TEXAS DEPARTMENT OF AGRICULTURE,
TEXAS-FEDERAL INSPECTION SERVICE,
Harlingen, Tex., September 7, 1967.

Mr. R. T. "BOB" WILLIAMS,
*Deputy Commissioner,
Texas Department of Agriculture,
Austin, Tex.*

DEAR BOB: We are returning this letter to you because after reading same, it seems that someone from your office, or maybe someone in the House of Representatives has been in correspondence with these people.

I will say this: The citrus shippers of Texas had a meeting in the year 1954 and changed the standard box of citrus from 1½ bushel box to 1¾ bushel box. Up until this time Florida was using the 1¾ bushel box, but as soon as Texas went to the 1¾, Florida went to the 1¾ bushel box, so in 1955 the U.S. Standards registered each size, the 1¾ and the 1¾. The fruit sizer for the 1¾ bushel box is different from the 1¾ bushel box.

Your very truly,

L. DALLAS INGLE, *Administrator.*

STATE OF CONNECTICUT,
DEPARTMENT OF CONSUMER PROTECTION,
Hartford, Conn., September 7, 1967.

HON. J. EDWARD ROUSH,
*Chairman, Ad Hoc Subcommittee,
Committee on Science and Astronautics,
Rayburn House Office Building, Washington, D.C.*

DEAR SIR: This is in reply to your letter of August 29 regarding the bill being considered by your Committee to repeal the Standard Container Acts of 1916 and 1928.

Our present position remains the same—we feel that this legislation still continues to serve a useful purpose, and we would not at this time recommend the repeal of these Acts.

However, on September 1 Deputy Commissioner Francis M. Gersz sent a letter to the Commissioner of Agriculture for the State of Connecticut, Joseph N. Gill (who will be on vacation until sometime next week), requesting his views in regard to the repeal of these Acts. We felt that the repeal of the Standard Container Acts could possibly result in some confusion and problems for growers, packers, and retail outlets under his jurisdiction.

In an opinion dated November 18, 1937, our Attorney General's office stated that the Federal Standard Container Act of 1928 makes inoperative, all state laws establishing weights per bushel so far as they affect fruits and vegetables packed in containers standardized by that law, it being immaterial what the fruits and vegetables (which are the contents of such standardized containers) weigh.

You will be informed as soon as possible, regarding Commissioner Gill's view on this matter.

Very truly yours,

JAMES J. CASEY,
Commissioner

(Per John Bennett, Chief, Weights & Measures Division).

STATEMENT OF ALVIN A. VOGES, PRESIDENT AND SECRETARY-MANAGER, AMERICAN VENEER PACKAGE ASSOCIATION, INC., 1225½ NORTH ORANGE AVENUE, ORLANDO, FLORIDA

To: The Ad Hoc Subcommittee of the Committee on Science and Astronautics, U.S. House of Representatives.

Re H.R. 2102, a bill to repeal the 1916 Standard Container Act and the 1928 Standard Container Act.

My name is Alvin A. Voges, for 18 years I have been the executive officer of American Veneer Package Association with its home office in Orlando, Florida.

American Veneer Package Association is an industry trade association representing the manufacturers producing the majority volume of wood veneer fruit and vegetable baskets and hampers in the United States.

The Standard Container Acts of 1916 and 1928 were enacted for the purpose of eliminating fraud and deception in the marketing of fresh fruits and vegetables in baskets and hampers which then were the popular and usual container.

History tells us, prior to the effective date of these Acts, each manufacturer of these packages—yes, even individual packers of fresh fruits and vegetables—made or had made baskets and hampers largely according to his whim or to his idea of what the market wanted. The end result was chaotic, myriad sizes and shapes of baskets and hampers were on the market and the probability of deception was very real.

The Acts brought order to the industries involved, through standardization. The number of sizes and shapes of baskets and hampers manufactured was drastically reduced. For the industry of basket and hamper manufacture the Acts proved valuable tools of discipline; their benefits far outweighed the restraints imposed. For the public they eliminated doubt as to the quantity being purchased and instilled confidence in marketing.

In the last decade the volume of wood veneer packages used for fresh fruits and vegetables has materially lessened year by year; recent year volume can be estimated at about 275,000,000 units. Approximately 80% of this volume or 225,000,000 units are containers included in the Act of 1916; the balance (50,000,000) are those included in the 1928 Act.

In the last two decades, for all practical purposes, there has not been any instance in which the Department of Agriculture found it necessary to exercise its regulatory power by reason of bastard sizes of *wood veneer* fresh fruit and vegetable baskets and hampers.

During the last two decades there have been numerous instances of individual manufacturers urging the industry to petition for repeal of the 1916 and 1928 Container Acts. These instances stemmed from the desire of manufacturers to market other sizes and shapes of baskets and hampers to meet the ever-increasing competition of containers manufactured from material other than wood veneer. In each instance our industry declined to so do; probably the overriding reason was the spectre of hodge podge manufacture.

At this point in history, with the industry volume diminishing, and with comparatively few manufacturers involved, it is considered that repeal of the 1916 and 1928 Container Acts would not work a hardship on our industry nor, insofar as *wood veneer* baskets and hampers for fresh fruits and vegetables are concerned, would repeal of the Acts have serious and dramatic effect on the public. We consider our industry discipline to be such that there would be little or no manufacture of "bastard" packages.

We consider the small cost tag (\$16,000) shown by the Department of Agriculture as the cost for administering the two Acts to be an overstatement but that, by this low cost tag, it is clearly shown its involvement in administering the Acts is minimal.

It is our conclusion, the bill for repeal of these Acts comes not as an effort of Government to reduce budget but rather is an effort by container manufacturers who make containers of materials *other than wood veneer*.

In all probability such manufacturers find themselves restrained from making and marketing a vast array of sizes and shapes of baskets and hampers for fresh fruits and vegetables. We sympathize with them; these are the exact restraints that we have learned to live with since inception of the Acts.

It is our opinion the real thrust for this action to repeal is specifically the 1916 Container Act—the 1928 Act is only included in the action because of its kinship.

The 1916 Act concerns itself with "small" size packages as opposed to the 1928 Act which mainly involves "large" packages.

These "small" sizes include the $\frac{1}{2}$ pint, pint and quart containers in which strawberries, raspberries, blueberries, and other berries are marketed at retail. We are not aware that such berries have ever been marketed at retail by count or by weight; always it has been by volume.

We example this to show that prior testimony by others in this matter could not have meant to be inclusive of berries. And it can be said the number of $\frac{1}{2}$ pint, pint and quart containers used for berries is indeed the majority of the containers manufactured and subject to the 1916 Act, may in fact be more than 75% of the volume.

If this be so then how can proponents for repeal downgrade the importance of the 1916 Act for indeed it would be a simple matter

to produce containers that would appear to be of $\frac{1}{2}$ pint, 1 pint, or 1 quart volume yet be shy of such volume by 1 cubic inch or $1\frac{1}{2}$ or 2 cubic inches. The very smallness of berries quickly tells us that being shy in volume by 1 cubic inch is a lot of berries to be shy.

Additionally, though other legislation has been enacted to safeguard the public in packaging the need here is to consider whether or not the terms of such legislation and procedures under it are of sufficient scope and refinement to warrant repeal of the 1916 and 1928 Container Acts, particularly the 1916 Act.

As earlier mentioned, our industry is not opposed to repeal of these two Container Acts. What we have said herein is intended to be a guide to the House Committee that it may have the advice of the industry that has been closely involved with Acts at interest since their inception.

Respectfully submitted.

August 23, 1967.

ALVIN A. VOGES,
President, Secretary-Manager,
American Veneer Package Association.

KEYES FIBRE Co.,
New York, N.Y., April 18, 1967.

HON. J. EDWARD ROUSH,
Chairman, Ad Hoc Subcommittee, Rayburn House Office Building,
Committee on Science and Astronautics, House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ROUSH: Thank you very much for your letter of April 11 regarding possible action by the Ad Hoc Subcommittee on H.R. 2102. I don't know that we would have anything to add to the testimony we gave to your committee last year, but if a hearing is held I would appreciate knowing the time and place as we probably would want to be present for the hearing.

We sincerely hope that when this bill does come before your committee that with the information already provided you will see fit to recommend its passage.

Sincerely,

WAYNE P. CLEVELAND.

PIERCE, ATWOOD, SCRIBNER, ALLEN & MCKUSICK,
Portland, Maine, May 5, 1967.

Re H.R. 2102 and H.R. 2101.

HON. J. EDWARD ROUSH,
Chairman, Ad Hoc Subcommittee,
Rayburn House Office Building,
House of Representatives, Washington, D.C.

DEAR MR. ROUSH: I enclose herewith copy of my letter of this date to the Honorable William D. Hathaway with regard to the above bills.

Keyes Fibre Company joins in the recommendations of the Department of Agriculture set forth in two letters dated April 28, 1967, of Secretary Orville L. Freeman to the Honorable George P. Miller, Chairman, Committee on Science and Astronautics of the House of

Representatives that (1) H.R. 2102, repealing the Standard Container Acts of 1916 and 1928 be enacted; and (2) H.R. 2101 not be enacted.

As you know, Keyes Fibre Company was represented by Mr. Wayne P. Cleveland, Vice President, Sales, and the undersigned at the hearing before your Subcommittee last year on S. 17, a similar bill to H.R. 2102.

Very truly yours,

EDWARD W. ATWOOD.

COMMITTEE VIEWS

Testimony revealed that although standard weights and measures are defined in publications by the Bureau of Standards these definitions are not defined by law nor have they been published in the Federal Register. Consequently, the Committee recommends that the Secretary of Commerce cause to be published in the Federal Register a listing of the common weights and measures used in normal commerce throughout the United States and relate them to the standards developed in accordance with existing law, 15 U.S.C. 272.

DEPARTMENTAL RECOMMENDATIONS

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 26, 1966.

HON. CHARLES F. DUCANDER,
*Executive Director and Chief Counsel,
Committee on Science and Astronautics,
House of Representatives.*

DEAR MR. DUCANDER: This is in reply to your request for a report on S. 17, a bill to repeal the Standard Container Acts of 1916 and 1928 which prescribe standard sizes and capacities for certain types of baskets and hampers used in the shipment of fresh fruits and vegetables.

This Department recommends that these Acts be repealed.

The Act of August 31, 1916 (15 U.S.C. 251-256), known as the Standard Container Act of 1916, establishes standard sizes for Climax baskets for grapes and other fruits and vegetables and fixes standards for baskets and other containers for small fruits, berries, and vegetables. The Act provides for the examination of containers subject to regulation to determine their compliance with the law.

The Act of May 21, 1928 (15 U.S.C. 257-257i), known as the Standard Container Act of 1928, establishes standard sizes for hampers, round stave baskets, and splint baskets used for fresh fruits and vegetables. Specifications of containers covered by the Act are submitted to and approved by the Department if such containers are of the prescribed capacity and not deceptive in appearance.

When these laws were enacted, baskets and hampers were the principal types of containers used for the shipment of fresh fruits and vegetables. At that time, because of the large number of sizes of containers being manufactured, a strong movement developed in the industry, particularly among container manufacturers, to bring about some degree of standardization in order to reduce the resultant unnecessary costs, confusion, and deception.

In the years since the enactment of the Standard Container Acts, great changes have taken place in the containers used for shipping fresh fruits and vegetables. Baskets and hampers, formerly the principal types used, have been displaced in large part by newer types. During the past 10 years, for example, the number of factories producing containers subject to the Standard Container Acts of 1916 and 1928 has declined from 148 to 95, or a reduction of 35 percent, while the number of different containers manufactured by these plants has dropped by 33 percent, from 611 to 408.

Of the large and increasing number of containers now widely used, such as fiberboard cartons, wirebound and nailed crates, wooden boxes and lugs, mesh, paper, and plastic bags, some were not in use at all for fruits and vegetables at the time these Acts were passed. None of these newer containers are regulated by Federal law as to shape, size, or capacity.

Moreover, most fruit and vegetables are now sold by weight or count. Consequently, slight variations in the volume capacity of containers are no longer an important marketing factor. Largely because of the growth in the use of containers not covered by the Standard Container Acts, it is estimated that less than 10 percent of the fresh fruits and vegetables shipped in interstate commerce now are packed in containers regulated under these Acts.

In view of the limited volume of fresh fruits and vegetables currently being shipped in containers subject to regulation under the Standard Container Acts of 1916 and 1928, the continuing trend toward wider use of types of containers not subject to Federal regulation, and the fact that most fruits and vegetables are now sold by weight or count, the Department is convinced that continued administration of these laws is no longer justified and that a saving can be achieved through repeal of these laws without detriment to the fruit and vegetable industry or the public.

Although practically all of the containers regulated under these acts are used as shipping containers and not as consumer packages, there are some, such as berry boxes, which are still used for marketing products to the consumer on a volume basis. While we recommend that these acts be repealed, we believe that the interest of consumers should be protected through the prohibition of unfair and deceptive packaging and labeling practices.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 25, 1967.

HON. J. EDWARD ROUSH,
*Chairman, Ad Hoc Subcommittee,
Committee on Science and Astronautics,
House of Representatives.*

DEAR MR. CHAIRMAN: Thank you for your letter of April 11 advising that your Ad Hoc subcommittee will, in the near future, consider

action on H.R. 2102, a bill to repeal the Standard Container Acts of 1916 and 1928.

In view of the hearings last year before your subcommittee on S. 17, a bill identical to H.R. 2102, we doubt the need for the Department to present additional testimony. However, a legislative report on H.R. 2102 has been prepared and is pending at the Bureau of the Budget for clearance. The Bureau has promised to expedite this report.

Should the subcommittee decide to hold hearings on H.R. 2102, we shall appreciate being notified.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 28, 1967.

HON. GEORGE P. MILLER,
*Chairman, Committee on Science and Astronautics,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request of January 27, 1967, for a report on H.R. 2102, a bill to repeal the Standard Container Acts of 1916 and 1928 which prescribe standard sizes and capacities for certain types of baskets and hampers used in the shipment of fresh fruits and vegetables.

This Department recommends that these Acts be repealed.

Similar bills, H.R. 5068 and S. 17, were introduced in the 89th Congress and S. 17 was passed by the Senate.

The Act of August 31, 1916 (15 U.S.C. 251-256), known as the Standard Container Act of 1916, establishes standard sizes for Climax baskets for grapes and other fruits and vegetables and fixes standards for baskets and other containers for small fruits, berries, and vegetables. The Act provides for the examination of containers subject to regulation to determine their compliance with the law.

The Act of May 21, 1928 (15 U.S.C. 257-257i), known as the Standard Container Act of 1928, establishes standard sizes for hampers, round stave baskets, and splint baskets used for fresh fruits and vegetables. Specifications of containers covered by the Act are submitted to and approved by the Department if such containers are of the prescribed capacity and not deceptive in appearance.

When these laws were enacted, baskets and hampers were the principal types of containers used for the shipment of fresh fruits and vegetables. At that time, because of the large number of sizes of containers being manufactured, a strong movement developed in the industry, particularly among container manufacturers, to bring about some degree of standardization in order to reduce the resultant unnecessary costs, confusion, and deception.

In the years since the enactment of the Standard Container Acts, great changes have taken place in the containers used for shipping fresh fruits and vegetables. Baskets and hampers, formerly the principal types used, have been displaced in large part by newer types. During the past ten years, for example, the number of factories producing containers subject to the Standard Container Acts of 1916 and 1928 has declined from 148 to 95, or a reduction of 35 percent,

while the number of different containers manufactured by these plants has dropped by 33 percent, from 611 to 408.

Of the large and increasing number of containers now widely used, such as fiberboard cartons, wirebound and nailed crates, wooden boxes and lugs, mesh, paper, and plastic bags, some were not in use at all for fruits and vegetables at the time these Acts were passed. None of these newer containers are regulated by Federal law as to shape, size or capacity.

Moreover, most fruits and vegetables are now sold by weight or count. Consequently, slight variations in the volume capacity of containers are no longer an important marketing factor. Largely because of the growth in the use of containers not covered by the Standard Container Acts, it is estimated that less than ten percent of the fresh fruits and vegetables shipped in interstate commerce now are packed in containers regulated under these Acts.

In view of the limited volume of fresh fruits and vegetables currently being shipped in containers subject to regulation under the Standard Container Acts of 1916 and 1928, the continuing trend toward wider use of types of containers not subject to Federal regulation, and the fact that most fruits and vegetables are now sold by weight or count, the Department is convinced that continued administration of these laws is no longer justified and that a saving can be achieved through repeal of these laws without detriment to the fruit and vegetable industry or the public.

Although practically all of the containers regulated under these Acts are used as shipping containers and not as consumer packages, there are some, such as berry boxes, which are still used for marketing products to the consumer on a volume basis. While we recommend that these Acts be repealed, we believe that the interest of consumers should be protected through the prohibition of unfair and deceptive packaging and labeling practices. With the repeal of the two Standard Container Acts, the exemption of containers covered by these Acts in section 10(b)(3) of the Fair Packaging and Labeling Act, approved November 3, 1966 (P.L. 89-755), will no longer be meaningful. We, therefore, recommend that H.R. 2102 be amended by adding a new section which will specifically provide for the deletion from section 10(b)(3) of the Fair Packaging and Labeling Act of all reference to the Acts of August 31, 1916 and May 21, 1928. There will then be no question but that containers now subject to the two Standard Container Acts will not be exempt from regulation under the Fair Packaging and Labeling Act by reason of that fact.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

DEPARTMENT OF COMMERCE,
Washington, D.C., April 6, 1966.

HON. GEORGE P. MILLER,
*Chairman, Committee on Science and Astronautics,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in further reply to your request for the views of this Department concerning H.R. 5069, a bill "To amend the Act of August 31, 1916, so as to provide a standard for a dry one-and-one-half-quart container," and H.R. 5068, a bill "To repeal certain Acts relating to containers for fruits and vegetables, and for other purposes."

These bills are concerned with the Standard Container Acts of August 31, 1916 (15 U.S.C. 251-256) and May 28, 1928 (15 U.S.C. 257-257i) which established standard sizes for certain fruit and vegetable containers made of wood veneer.

H.R. 5069 would amend the Act of 1916 by the addition of a one-and-one-half-quart size to those standard sizes currently authorized. It is understood that the additional size is desired to enable the producers of the standardized wooden baskets to compete more favorably with newer types of containers that have become popular since 1916 and have not been standardized by Federal law as to size or shape.

In view of the inequitable situation that now exists, this Department would interpose no objection to enactment of H.R. 5069 to amend the Act of 1916. However, we believe that a more appropriate solution can be achieved by enactment of H.R. 5068 to repeal the Acts of 1916 and 1928 which are now obsolete as a consequence of the introduction of new container types and changing marketing practices.

In general, we see certain advantages for manufacturers of containers as well as the consumers in the standardization of container sizes and shapes. However, to be effective and equitable, such standards should be observed by all producers of containers and not by only a limited segment of the container industry. The Acts of 1916 and 1928 apply to only one type of container among many competing products.

Moreover, the problem which prompted the establishment of size standards in 1916 and 1928 have largely disappeared with regard to containers for fresh fruits and vegetables. This is a consequence of the growing practices of selling most produce at the retail level by weight or count rather than by volume measure. For these reasons, we believe that the Standard Container Acts of 1916 and 1928 are obsolete and recommend that they be repealed.

Our support for repeal of the Standard Container Acts, which deal almost entirely with containers utilized at the wholesale rather than the retail level, in no way diminishes our support for fair packaging and labeling legislation as outlined in the President's message of March 21, 1966 on Consumer Interests.

For similar reasons, we suggest that the Committee consider the extension of H.R. 5068 to include the repeal of the Standard Barrel Act of 1915 (15 U.S.C. 231-236) and the Standard Lime Barrel Act of 1916 (15 U.S.C. 237-242). These statutes resemble the Standard Container Acts in many respects and are equally obsolete. While we are unaware of any inequity resulting from the Standard Barrel Acts, a recent survey among State weights and measures officials has confirmed our impression that these Acts no longer serve a useful purpose.

This is because the barrel, as a unit of volumetric measure, now is of little importance in the commerce of the commodities covered by these statutes. Accordingly, we recommend that they also be repealed.

We have been advised by the Bureau of the Budget that there would be no objection to submission of our report from the standpoint of the Administration's program.

Sincerely,

ROBERT E. GILES, *General Counsel.*

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., May 8, 1967.

HON. GEORGE P. MILLER,
Chairman, Committee on Science and Astronautics,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in further reply to your request for the views of this Department concerning H.R. 2101, a bill "To amend the Act of August 31, 1916, so as to provide a standard for a dry one and one-half quart container," and H.R. 2102, a bill "To repeal certain Acts relating to containers for fruits and vegetables, and for other purposes."

These bills are concerned with the Standard Container Acts of August 31, 1916 (15 U.S.C. 251-256) and May 28, 1928 (15 U.S.C. 257-257i) which established standard sizes for certain fruit and vegetable containers made of wood veneer.

H.R. 2101 would amend the Act of 1916 by the addition of a one-and-one-half-quart size to those standard sizes currently authorized. It is understood that the additional size is needed to enable the producers of the standardized wooden baskets to compete more favorably with newer types of containers that have become popular since 1916 and have not been standardized by Federal law as to size or shape.

In view of the inequitable situation that now exists, this Department would interpose no objection to enactment of H.R. 2101 to amend the Act of 1916. However, we believe that a more appropriate solution can be achieved by enactment of H.R. 2102 to repeal the Acts of 1916 and 1928 which are now obsolete as a consequence of the introduction of new container types and changing marketing practices.

In general, we see certain advantages for manufacturers of containers as well as the consumers in the standardization of container sizes and shapes. However, to be effective and equitable, such standards should be observed by all producers of containers and not by only a limited segment of the container industry. The Acts of 1916 and 1928 apply to only one type of container among many competing products.

Moreover, the need to protect the consuming public from deceptive practices, which prompted the establishment of size standards in 1916 and 1928 under law rather than through the more customary voluntary industry agreements, has largely disappeared with regard to containers for fresh fruits and vegetables. This is a consequence of the growing practice of selling most produce at the retail level by weight or count rather than by volume measure. For these reasons, we believe that the Standard Container Acts of 1916 and 1928 are obsolete and recommend that they be repealed.

For similar reasons, we suggest that the Committee consider the extension of H.R. 2102 to include the repeal of the Standard Barrel Act of 1915 (15 U.S.C. 231-236) and the Standard Lime Barrel Act of 1916 (15 U.S.C. 237-242). These statutes resemble the Standard Container Acts in many respects and are equally obsolete. While we are unaware of any inequity resulting from the Standard Barrel Acts, a recent survey among State weights and measures officials has confirmed our impression that these acts no longer serve a useful purpose. This is because the barrel, as a unit of volumetric measure, now is of little importance in the commerce of the commodities covered by these statutes. Accordingly, we recommend that they also be repealed.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT E. GILES, *General Counsel*.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House, existing law to be repealed by the bill, as reported, is shown as follows, enclosed in black brackets:

STANDARD CONTAINER ACT OF 1916

【That standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket, and twelve-quart basket, respectively.

【(a) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches outside measurement; top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used.

【(b) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenth inches, outside measurement; top of basket, length-fourteen inches, width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

【(c) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket; length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used.

【The standards for Climax baskets for mushrooms shall be those set forth above, except that a one-pound Climax basket of the following dimensions shall be standard for mushrooms when plainly stamped or marked on the side of the basket with the words "for mushrooms only": Length of bottom piece, seven and three-fourths inches; width of

bottom piece, three and three-sixteenths inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and five-eighths inches; top of basket—length, nine and three-eighths inches; width, four and three-eighths inches—all outside measurements. Basket to have a cover four and three-eighths by nine and three-eighths inches, when cover is used.

【SEC. 2. That the standard basket or other container for small fruits, berries, and vegetables shall be of the following capacities, namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart.

【(a) The dry half pint shall contain sixteen and eight-tenths cubic inches.

【(b) The dry pint shall contain thirty-three and six-tenths cubic inches.

【(c) The dry quart shall contain sixty-seven and two-tenths cubic inches.

【SEC. 3. That it shall be unlawful to manufacture for shipment, or to sell for shipment, or to ship from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, any Climax baskets or other containers for small fruits, berries, or vegetables, whether filled or unfilled, which do not conform to the provisions of this Act, or to use in any such shipment for any commodity other than mushrooms the one-pound Climax basket provided for in section 1 of this Act: and any person guilty of a willful violation of any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$25: *Provided*, That nothing herein contained shall apply to the manufacture, sale, or shipment of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables when intended for export to foreign countries when such Climax baskets, baskets, or other containers for small fruits, berries, and vegetables accord with the specifications of the foreign purchasers or comply with the law of the country to which shipment is made or to be made.

【SEC. 4. That the examination and test of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables, for the purpose of determining whether such baskets or other containers comply with the provisions of this Act, shall be made by the Department of Agriculture, and the Secretary of Agriculture shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary.

【SEC. 5. That it shall be the duty of each United States attorney, whom satisfactory evidence of any violation of the Act is presented, to cause appropriate proceedings to be commenced and prosecuted in the to proper court of the United States for the enforcement of the penalties as in such case herein provided.

【SEC. 6. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the manufacturer, wholesaler, jobber, or other party residing within the United States from whom such Climax baskets, baskets, or other containers, as defined in this Act, were purchased, to the effect that said Climax baskets, baskets, or other containers, are correct within the meaning of this Act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of Climax

baskets, baskets, or other containers to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act.

[SEC. 7. That this Act shall be in force and effect from and after the first day of November nineteen hundred and seventeen.]

STANDARD CONTAINER ACT OF 1928

[That the standard hampers and round stave baskets for fruits and vegetables shall be of the following capacities: One-sixteenth bushel, one-eighth bushel, one-fourth bushel, three-eighths bushel, one-half bushel, five-eighths bushel, three-fourths bushel, seven-eighths bushel, one bushel, one-and-one-eighth bushels, one-and-one-fourth bushels, one-and-one-half bushels, and two bushels, which, respectively, shall be of the cubic content set forth in this section. For the purposes of this Act a bushel, standard dry measure, has a capacity of two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

[(a) The standard one-sixteenth bushel hamper or round stave basket shall contain one hundred and thirty-four and four-tenths cubic inches.

[(aa) The standard one-eighth-bushel hamper or round stave basket shall contain two hundred and sixty-eight and eight-tenths cubic inches.

[(b) The standard one-fourth-bushel hamper or round stave basket shall contain five hundred and thirty-seven and six-tenths cubic inches.

[(bb) The standard three-eighths-bushel hamper or round stave basket shall contain eight hundred and six and four-tenths cubic inches.

[(c) The standard one-half-bushel hamper or round stave basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches.

[(cc) The standard five-eighths-bushel hamper or round stave basket shall contain one thousand three hundred and forty-four cubic inches.

[(d) The standard three-fourths-bushel hamper or round stave basket shall contain one thousand six hundred and twelve and eight-tenths cubic inches.

[(dd) The standard seven-eighths-bushel hamper or round stave basket shall contain one thousand eight hundred and eighty-one and sixty-two one-hundredths cubic inches.

[(e) The standard one-bushel hamper or round stave basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

[(ee) The standard one-and-one-eighth-bushel hamper or round stave basket shall contain two thousand four hundred and nineteen and twenty-two one-hundredths cubic inches.

[(f) The standard one-and-one-fourth bushel hamper or round stave basket shall contain two thousand six hundred and eighty-eight cubic inches.

[(g) The standard one-and-one-half bushel hamper or round stave basket shall contain three thousand two hundred and twenty-five and sixty-three one-hundredths cubic inches.

[(h) The standard two-bushel hamper or round stave basket shall contain four thousand three hundred and eighty-four one-hundredths cubic inches.

[SEC. 2. That the standard splint baskets for fruits and vegetables shall be the four-quart basket, eight-quart basket, eleven-quart basket, twelve-quart basket, fourteen-quart basket, sixteen-quart basket, twenty-four-quart basket, and thirty-two-quart basket, standard dry measure. For the purposes of this Act a quart standard dry measure has a capacity of sixty-seven and two-tenths cubic inches.

[(a) The four-quart splint basket shall contain two hundred and sixty-eight and eight-tenths cubic inches.

[(b) The eight-quart splint basket shall contain five hundred and thirty-seven and six-tenths cubic inches.

[(bb) The eleven-quart splint basket shall contain seven hundred and thirty-nine and two-tenths cubic inches.

[(c) The twelve-quart splint basket shall contain eight hundred and six and four-tenths cubic inches.

[(cc) The fourteen-quart splint basket shall contain nine hundred and forty and eight-tenths cubic inches.

[(d) The sixteen-quart splint basket shall contain one thousand and seventy-five and twenty-one one-hundredths cubic inches.

[(e) The twenty-four quart splint basket shall contain one thousand six hundred and twelve and eight-tenths cubic inches.

[(f) The thirty-two quart splint basket shall contain two thousand one hundred and fifty and forty-two one-hundredths cubic inches.

[SEC. 3. That the Secretary of Agriculture shall in his regulations under this Act prescribe such tolerances as he may find necessary to allow in the capacities for hampers, round stave baskets, and splint baskets set forth in sections 1 and 2 of this Act in order to provide for reasonable variations occurring in the course of manufacturing and handling. If a cover be used upon any hamper or basket mentioned in this Act, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper or basket below that prescribed therefor.]

[SEC. 4. That no manufacturer shall manufacture hampers, round stave baskets, or splint baskets for fruits and vegetables unless the dimension specifications for such hampers, round stave baskets, or splint baskets shall have been submitted to and approved by the Secretary of Agriculture, who is hereby directed to approve such specifications if he finds that hampers, round stave baskets, or splint baskets for fruits and vegetables made in accordance therewith would not be deceptive in appearance and would comply with the provisions of sections 1 and 2 of this Act.

[SEC. 5. That it shall be unlawful to manufacture for sale or shipment, to offer for sale to sell, to offer for shipment, or to ship, hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled that do not have the capacity in bushels or quarts clearly stamped or marked thereon and do not otherwise comply with this Act, or parts of such hampers, round stave baskets, or splint baskets that do not comply with this Act: *Provided*, That this Act shall not apply to Climax baskets, berry boxes, and till baskets which comply with the provisions of the Act approved August 31, 1916, entitled "An Act to fix standards for Climax baskets for grapes and

other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables and for other purposes" (Thirty-ninth United States Statutes at Large, page 673), and the regulations thereunder. Any individual, partnership, association, or corporation that violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$500: *Provided further*, That no person shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within the United States from whom the hampers, round stave baskets, or splint baskets, as defined in this Act, were purchased, to the effect that said hampers, round stave baskets, or splint baskets are correct, within the meaning of this Act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of the hampers, round stave baskets, or splint baskets to such person, and in such case such party or parties making such sale shall be amenable to the prosecution, fines, and other penalties which would attach in due course under the provisions of this Act to the person who made the purchase.

[SEC. 6. That any hamper, round stave basket, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets not complying with this Act, which shall be manufactured for sale or shipment, offered for sale, sold, or shipped, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request the person entitled shall be permitted to retain or take possession of the contents of such hampers or baskets, but in the absence of such request, or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale, as the court or a judge thereof may direct. If such hampers, round stave baskets, splint baskets, or parts thereof be found in such proceeding to be contrary to this Act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or parts thereof be returned to the owner thereof or sold upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or parts thereof shall not be sold or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit and in the name of the United States.

[SEC. 7. That this Act shall not prohibit the manufacture for sale or shipment, offer for sale, sale or shipment of hampers, round stave baskets, splint baskets, or parts thereof, to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this Act prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas.

[SEC. 8. That it shall be the duty of each United States attorney to whom satisfactory evidence of any violation of this Act is presented

to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States in his district for the enforcement of the provisions of this Act.

【SEC. 9. That the Secretary of Agriculture shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this Act, and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round stave baskets, and splint baskets, or parts thereof, subject to this Act, meet its requirements, and may take samples of such hampers, baskets, or parts thereof, the cost of which samples, upon request, shall be paid to the person entitled.

【SEC. 10. That for carrying out the purposes of this Act the Secretary of Agriculture is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers, and shippers, to employ such persons and means, and to pay such expenses, including rent, printing publications, and the purchase of supplies and equipment in the District of Columbia and elsewhere, as he shall find to be necessary, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

【SEC. 11. That sections 5 and 6 of this Act shall become effective at but not before the expiration of one year following the 1st day of November, next, succeeding the passage of this Act.】

FAIR PACKAGING AND LABELING ACT

In compliance with clause 3 of rule XIII of the Rules of the House, comparison of H.R. 13058 with present provisions of the Fair Packaging and Labeling Act is shown below.

PROVISIONS OF H.R. 13058

Sec. 10(b)(3)

Containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231-233), or the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234-236).

PRESENT LAW

Sec. 10(b)(3)

Containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231-233), the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234-236), the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i).

Union Calendar No. 435

90TH CONGRESS
2D SESSION

H. R. 13058

[Report No. 1107]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1967

Mr. ROUSH (for himself, Mr. DAVIS of Georgia, Mr. BRINKLEY, Mr. ROUDEBUSH, Mr. VANDER JAGT, and Mr. HATHAWAY) introduced the following bill; which was referred to the Committee on Science and Astronautics

FEBRUARY 27, 1968

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To repeal certain Acts relating to containers for fruits and vegetables, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the Acts of Congress listed below are hereby repealed:

4 (a) The Act of August 31, 1916, entitled "An Act to
5 fix standards for Climax baskets for grapes and other fruits
6 and vegetables, and to fix standards for baskets and other
7 containers for small fruits, berries, and vegetables, and for
8 other purposes" (39 Stat. 673, as amended; 15 U.S.C.
9 251-256) ;

10 (b) The Act of May 21, 1928, entitled "An Act to fix
11 standards for hampers, round stave baskets, and splint

1 baskets for fruits and vegetables, and for other purposes”
2 (45 Stat. 685, as amended; 15 U.S.C. 257-257i).

3 SEC. 2. Section 10 (b) (3) of the Act of November 3,
4 1966 (80 Stat. 1296; 15 U.S.C. 1451), entitled the “Fair
5 Packing and Labeling Act”, is amended by inserting “or”
6 before “the Act of March 4, 1915,” and by striking out
7 “, the Act of August 31, 1916 (39 Stat. 673, as amended;
8 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat.
9 685, as amended; 15 U.S.C. 257-257i).”

10 SEC. 3. This Act shall become effective on January 1,
11 1968.

90TH CONGRESS
2^D SESSION

H. R. 13058

[Report No. 1107]

A BILL

To repeal certain Acts relating to containers for fruits and vegetables, and for other purposes.

By Mr. ROUSH, Mr. DAVIS of Georgia, Mr. BRINKLEY, Mr. ROUDEBUSH, Mr. VANDER JAET, and Mr. HATHAWAY

SEPTEMBER 21, 1967

Referred to the Committee on Science and Astronautics

FEBRUARY 27, 1968

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued March 6, 1968
For actions of March 5, 1968
90th-2nd; No. 35

CONTENTS

Accounting.....12	Fire research.....15,46	Potato research.....40
Asian development.....3	Fisheries.....32,53	Program evaluation.....43
Atomic energy.....48	Food additives.....42	Public works.....37
Banking and currency.....3	Food for peace.....34	Purchasing.....23
Budget.....1,16,28,33	Food programs.....1	Records.....6
Butter.....14	Foreign aid.....35	Research.....40,50
Committee.....43	Future farmers.....20	Salt-water research.....50
Consumer credit.....29	Grain reserves.....18	School lunches.....1
Containers.....11	Health.....13,48	Shipping.....19
Corn prices.....7	Housing.....5,24	Travel.....10
Cosponsors.....14	Inter-American	Veterans.....27
Defense production.....36	development.....3	Water resources.....38
Economics.....21	Land reform.....8	Water systems.....44
Education.....31	Loans.....5,14,44	Weights and measures.....54
Electrification.....49	Milk.....9	Wilderness.....2,26
Employment.....30	Opinion poll.....22	Wildlife.....32,47
Expenditures.....21,28,33	Pay systems.....52	Young farmers.....14
Farm labor.....4,13,45	Personnel.....39,52	
Farm program.....25	Pollution.....17,41	

HIGHLIGHTS: See page 7.

HOUSE

1. SCHOOL LUNCHES. Passed, 398-0, with amendments H. R. 15398, to expand the scope of the National School Lunch Act (pp. H1629-51). The bill expands the national school lunch program to child-care institutions, such as day-care centers, settlement houses, playgrounds, and centers providing services to handicapped children. It also makes permanent the school breakfast program.

Agreed to an amendment by Rep. Poage to provide, "Appropriations and expenditures for this Act shall be considered health, education, and welfare functions for budget purposes rather than functions of agriculture" (pp. H1648-9).

Agreed to an amendment by Rep. Hall to authorize for the school breakfast program \$6,500,000 for 1969, \$10,000,000 for 1970, and \$12,000,000 for 1971 (pp. H1649-50).

2. WILDERNESS. Agreed to the conference report on S. 889, to designate the San Rafael Wilderness, Calif. Rejected, 155-238, a motion by Rep. Saylor to recommit the bill to conference. pp. H1614-29
3. BANKING AND CURRENCY. Rep. Hanna reported on "the continuing rapacious conditions in the European gold market." pp. H1651-2
The Banking and Currency Committee reported with amendment H. R. 15364, to provide for increased U. S. participation in the Inter-American Development Bank (H. Rept. 1145). p. H1704
A subcommittee of the Banking and Currency Committee approved for full committee action H. R. 13217, providing for the Asian Development Bank. p. D159
4. FARM LABOR. Rep. Burton, Calif., expressed sympathy for the fast of Cesar Chavez on behalf of migratory workers and inserted a statement by the Farm Workers' Union. p. H1664
5. HOUSING LOANS. Rep. Gonzalez objected to proposals to increase interest rates on housing loans and inserted a speech by Rep. Patman. pp. H16668-71
6. RECORDS. Rep. Ashbrook asked for a congressional investigation of charges that Government files are manipulated to hide facts. pp. H1677-8
7. CORN PRICES. Rep. Findley deplored "the disastrously low price for corn" and claimed "the administration has shown little concern over depression-level feed prices." p. H1680
8. LAND REFORM. The Government Operations Committee submitted a report, "Land Reform in Vietnam" (H. Rept. 1142). p. H1704
9. MILK. The Government Operations Committee submitted a report, "Excessive Programming and Procurement of Sweetened Condensed Milk for Vietnam" (H. Rept. 1143). p. H1704
10. TRAVEL. The Government Operations Committee reported without amendment H. R. 13738, to increase the regular maximum per-diem rate in connection with Government travel from \$16 to \$20 and to make other comparable changes in the law on this subject (H. Rept. 1144). p. H1704
11. CONTAINERS. The Rules Committee reported a resolution for consideration of H. R. 13058, to repeal certain acts relating to containers for fruits and vegetables. p. H1704
12. ACCOUNTING. The Government Operations Committee submitted a report, "Submission of Agency Accounting Systems for GAO Approval (Second Review)" (H. Rept. 1159). p. H1704

CONSIDERATION OF H.R. 13058

MARCH 5, 1968.—Referred to the House Calendar and ordered to be printed

Mr. SISK, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 1083]

The Committee on Rules, having had under consideration House Resolution 1083, report the same to the House with the recommendation that the resolution do pass.

○

House Calendar No. 193

90TH CONGRESS
2D SESSION

H. RES. 1083

[Report No. 1156]

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1968

Mr. SISK, from the Committee on Rules, reported the following resolution;
which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the Union
4 for the consideration of the bill (H.R. 13058) to repeal cer-
5 tain Acts relating to containers for fruits and vegetables, and
6 for other purposes. After general debate, which shall be con-
7 fined to the bill and shall continue not to exceed one hour, to
8 be equally divided and controlled by the chairman and rank-
9 ing minority member of the Committee on Science and
10 Astronautics, the bill shall be read for amendment under the
11 five-minute rule. At the conclusion of the consideration of the
12 bill for amendment, the Committee shall rise and report the

1 bill to the House with such amendments as may have been
 2 adopted, and the previous question shall be considered as
 3 ordered on the bill and amendments thereto to final passage
 4 without intervening motion except one motion to recommit.

90TH CONGRESS
 2D SESSION

House Calendar No. 193

H. RES. 1083

[Report No. 1156]

RESOLUTION

Providing for consideration of H.R. 13058 to repeal certain Acts relating to containers for fruits and vegetables, and for other purposes.

By Mr. SISK

MARCH 5, 1968

Referred to the House Calendar and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued March 12, 1968
For actions of March 11, 1968
90th-2nd; No. 39

CONTENTS

Appropriations.....11,17,33	Food reserve.....20	Recreation.....27
Budget.....21	Foreign trade..15,16,23,26	Saline water.....11
Census.....22	Fruits and vegetables....1	Science.....5
Civil defense.....3	Health benefits.....24	Tax credit.....31
Conservation.....2,10	Homestead law.....12	Taxable interest.....6
Consumers.....28	Housing.....13	Technology.....5
Containers.....1	Import control.....15	Supplemental
Cosponsors.....9	Inflation.....23	appropriations.....17,33
Dairy imports.....15	Lamb imports.....26	Veterans.....32
Electrification.....9	Lands.....25	Water.....7,8,11
Employment.....31,32	Marine resources.....4	Weather.....4
Farm labor.....29	Mining.....25	Wilderness.....14
Farm loans.....6	Personnel.....24	World hunger.....4,18
Feed grains.....19	Pollution.....8	
Fish concentrate.....4	Poverty program.....33	

HIGHLIGHTS: House received President's conservation message, and several Members discussed it. House passed bill to repeal certain standard containers acts. Senate passed supplemental appropriation bill. Sen. Hansen introduced and discussed lamb import control bill.

HOUSE

1. CONTAINERS. Passed with amendments H. R. 13058, to repeal certain acts relating to containers for fruits and vegetables (pp. H1811-15). Adopted an amendment by Rep. Roush changing the effective date from Jan. 1, 1968, to "60 days after enactment" (p. H1815). The committee report states that the bill would repeal the Standard Container Act of Aug. 31, 1916, which "establishes standard sizes

for Climax baskets for grapes and other fruits and vegetables and fixes standards for baskets and other containers for small fruits, berries, and vegetables" and the Standard Container Act of May 21, 1928, which "establishes standard sizes for hampers, round stave baskets, and splint baskets used for fresh fruits and vegetables," and would amend the Fair Packaging and Labeling Act of 1966 to conform with these repeals.

2. CONSERVATION. Received the President's conservation message (H. Doc. 273); to Committee of the Whole (pp. H1802-8). Several Reps. discussed the message (pp. H1308-10, E1730). See Digest 38 for highlights of the message.
3. CIVIL DEFENSE. The Armed Services Committee reported without amendment H. R. 15004, to extend the expiration date of certain authorities under the Federal Civil Defense Act of 1950 (H. Rept. 1163). p. H1832
4. MARINE RESOURCES. Both Houses received the President's message on marine resources in which he stated increased funding is proposed for research in marine sciences, fish protein concentrate for use in the War on Hunger, better weather prediction, and development of the Great Lakes and our ports and harbors (H. Doc. 275); to H. Merchant Marine and Fisheries and S. Commerce Committees. pp. H1810-11, S2515
5. SCIENCE; TECHNOLOGY. Rep. Findley spoke on the "importance of science and technology to our national purposes" and inserted an article by Dr. J. Lee Westrate, "Science Policy Formulation: The Role of the Legislator." pp. H1828-30

SENATE

6. FARMERS HOME ADMINISTRATION. Received from this Department a draft bill to "amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans to public bodies which upon sale by the Farmers Home Administration shall bear taxable interest"; to Agriculture and Forestry Committee. pp. S2515-6
7. WATER. Received from HEW a draft bill to amend the Public Health Service Act so as to help secure safe community water supplies; to Labor and Public Welfare Committee. p. S2516
8. POLLUTION. Received from Interior "reports of three studies required by the Federal Water Pollution Control Act, as amended by the Clean Water Restoration Act of 1966." pp. S2516, H1831
Received a Colo. Legislature resolution favoring legislation providing tax relief and incentives for air, water, and other pollution control facilities." p. S2516
Sen. Moss inserted a paper, "A Review of the Basis for Federal Water Resources Legislation." pp. S2555-8
9. COSPONSORS. Sens. Pell and Nelson were added as cosponsors of S. 2889, proposed "Electric Power Reliability Act of 1968." p. S2525

—Encourage mutual restraint among nations so that the oceans do not become the basis for military conflict.

—Seek international arrangements to insure that ocean resources are harvested in an equitable manner, and in a way that will assure their continued abundance.

Lack of knowledge about the extent and distribution of the living and mineral resources of the sea limits their use by all nations and inhibits sound decisions as to rights of exploitation. I have therefore asked the Secretary of State to explore with other nations their interest in joining together in long-term ocean exploration.

Such activities could:

—Expand cooperative efforts by scientists from many nations to penetrate the mysteries of the sea that still lie before us;

—Increase our knowledge of food resources, so that we may use food from the sea more fully to assist in meeting worldwide threats of malnutrition and disease;

—Bring closer the day when the peoples of the world can exploit new sources of minerals and fossil fuels.

While we strive to improve Government programs, we must also recognize the importance of private investment, industrial innovation, and academic talent. We must strengthen cooperation between the public and private sectors.

I am pleased and proud to report that we have made substantial progress during the first full year of our marine science program, dedicated to more effective use of the sea.

We shall build on these achievements.

LYNDON B. JOHNSON.

THE WHITE HOUSE, March 11, 1968.

GENERAL LEAVE

Mr. SISK. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks on the President's message today on conservation.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from California?

There was no objection.

REPEALING CERTAIN ACTS RELATING TO CONTAINERS FOR FRUITS AND VEGETABLES

Mr. SISK. Mr. Speaker, I call up House Resolution 1083 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1083

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13058) to repeal certain Acts relating to containers for fruits and vegetables, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-min-

ute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. ALBERT). The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1083 provides an open rule with 1 hour of general debate for consideration of H.R. 13058 repealing certain acts relating to containers for fruits and vegetables.

The Standard Container Act of 1916 established standard sizes for climax baskets for grapes and other fruits and vegetables and fixed standards for baskets and other containers for small fruits, berries, and vegetables. The act provides for the examination by the Department of Agriculture of such containers to determine their compliance with the law.

The Standard Container Act of 1928 established standard sizes for hampers, round stave baskets, and splint baskets used for fresh fruits and vegetables. Specifications of such containers must be submitted to and approved by the Department of Agriculture.

The Fair Packaging and Labeling Act of November 3, 1966, excludes "packages" subject to the provisions of the acts of 1916 and 1928. Section 2 of H.R. 13058 deletes from the Fair Packaging and Labeling Act references to these two acts in order that there be no misinterpretation of the purpose of this legislation. Then there will be no question that containers now subject to the two Standard Container Acts will not be exempted from regulation under the Fair Packaging and Labeling Act.

When the acts of 1916 and 1928 were passed, baskets and hampers were the principal types of containers used for the shipment of fresh fruits and vegetables. In the years since, changes have taken place in the containers used for shipping fresh fruits and vegetables. The principal types used then have been displaced in large part by newer types.

H.R. 13058 would repeal the Standard Container Acts of 1916 and 1928, and amend the Fair Packaging and Labeling Act of 1966 to conform with these repeals.

This legislation should result in a savings of approximately \$16,200 annually.

Mr. Speaker, I urge that House Resolution 1083 be adopted in order that H.R. 13058 may be considered.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, according to the report, the purpose of the bill is to repeal two acts which were originally passed to regulate the size of the containers used to

ship fruits and vegetables in interstate commerce.

When these acts were passed, in 1916 and 1928, most fruits and vegetables were shipped in wooden hampers and stave baskets. Sales were generally made by volumetric measure and a standardization of container sizes was necessary.

Today the packaging system is very different and most fruits and vegetables are sold not by volumetric measure but by weight and count. Because of these two innovations the acts of 1916 and 1928 are no longer necessary.

Today most produce is not even shipped in containers covered by the acts; a full 90 percent of the interstate shipments are made in fiberboard cartons, plastic bags, and so forth, none of which are regulated as to size or volume under the acts. As already noted, produce is not sold by volume now but by weight and count; thus a standard size package is not a necessity in order to protect the consumer.

The committee recommends repeal of the two acts. It believes that current safeguards now in the Federal Food, Drug, and Cosmetic Act are adequate to protect the consumer. Ninety percent of the produce shipped is now being regulated not by the two acts but by the food and drug law.

It is estimated that an annual saving of \$16,200 will be effected by enactment of this bill.

Departmental views, favorable to the repealer, are included in the report from the Departments of Agriculture and Commerce. Additionally, several marketing associations support the legislation. There are no minority views.

The material referred to is as follows:

INTERNATIONAL APPLE ASSOCIATION, INC.,

Washington, D.C., March 1, 1968.

HON. WILLIAM M. COLMER,
Chairman, House Rules Committee,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN COLMER: As you know, H.R. 13058 has been reported favorable, without amendment, by the House Committee on Science and Astronautics and is before your Committee awaiting a Rule. Further, a companion bill, S. 2068, has passed the Senate.

H.R. 13058 would repeal the Standard Container Acts of August 31, 1916, and May 21, 1928, and would delete reference to these two Acts in Section 10(b)(3) of the Fair Packaging and Labeling Act of November 3, 1966. The latter deletion would make it clear that containers now subject to the Standard Container Acts would not be exempt from regulation under the Fair Packaging and Labeling Act.

We fully recognize that this bill is well along in the "channels of legislation". However, enactment of this legislation would, in our judgment, create a serious problem for the growers, shippers and distributors (retail and wholesale) of berries, as well as for the nation's consumers. A problem that, in our opinion, was not recognized and/or understood by the U.S. Department of Agriculture, the U.S. Department of Commerce and Industry in their previous consideration and approval of H.R. 13058 and S. 2068. We and others have very recently called this problem (which is outlined below) to the attention of the USDA. While we believe some officials of the Department now understand and recognize the problem, we find them hesitant

at this point to take any positive action to alter the legislative progress of the bill.

Therefore, we strongly urge your Committee to take the necessary action to delay enactment of H.R. 13058 so additional consideration can be given the bill by all concerned to eliminate the problem.

Now for the specific problem. It concerns only the repeal of the Act of 1916. As you know, this Act fixed standards for Climax baskets for grapes and other fruits and vegetables and fixed standards for baskets or other containers for small fruits, berries and vegetables.

Testimony at the hearings clearly indicated the reasons for the enactment of the 1916 Act, namely to prevent deception by manufacturers and shippers and to eliminate consumer confusion caused by such deception.

We heartily agree with the hearing evidence that, for a number of reasons, these baskets and other containers are no longer used for most fruits and vegetables. However, certain of these standardized containers are still the commercial packages used for all the substantial interstate shipments of berries and, from a practical view point, all intrastate berry sales and shipments. In passing, we note that these containers are not only made of wood veneer but other materials, notably plastics, and all must meet the cubical standards of Section 2 of the 1916 Act. (We would disagree with the Department of Commerce's contention that these standards are inequitable, because they apply to only containers made of wood veneer. They apply to all berry containers regardless of the material used.)

Most important is the fact that during the past 52 years consumers have come to know and recognize a "pint of strawberries" or a "quart of strawberries" and have complete confidence they are receiving "full measure" when they pick up a "basket of berries".

We submit that repeal of the 1916 Act can only lead to a multiplicity of berry containers resulting in consumer deception and confusion.

You might rightfully ask, "Won't the applicability of the Fair Packaging and Labeling Act protect the consumer?" To some degree, "Yes", but it would not prevent the multiplicity of containers and the possible consumer deception. The labeling regulations state that, "Statements of dry measures shall be in terms of the U.S. bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof". Therefore, as I interpret these regulations, the consumer could be confronted with berry containers labeled, "Net Contents One and One-Quarter Dry Pints", "Net Contents Seven-Elighths of One Dry Quart", "Fifteen Sixteenths of One Dry Pint", etc., if H.R. 13058 were enacted.

Results—confusion upon deception. Moreover, can you imagine the damaging handling that would result as the consumers tried to read the declaration of the net contents on the lower 30% of the principal display panel?

Further, it is impractical and unnecessary to label a berry container. It is an open container. Printing or stamping on wood veneer is not very satisfactory because of the ink smearing that occurs. Also, plastic containers for berries have latticed (or meshed) sides and bottoms for ventilation. Such construction permits no labeling. We hasten to emphasize that in "dragging their feet" relative to labeling there is no intent to deceive on the part of the berry shippers—the buyer and consumer now know what they are getting.

One more point. It concerns the welfare of the U.S. Berry Industry and, in a way, the U.S. balance of payments position. During the past ten years Mexico has expanded its strawberry acreage tremendously. With lower labor and land costs this expanded and expanding acreage is a real threat to the U.S.

berry grower. Repeal of the 1916 Act, in our judgment, offers the Mexican shippers the opportunity of "deceitful package variations" to the detriment of the U.S. grower. Incidentally, did you realize the U.S. does not have a treaty with Mexico (G.A.T.T. or unilateral)? We can't even ship berry one to Mexico, and yet we give Mexico Most Favored Nation treatment the same as any G.A.T.T. country.

In closing we would agree that there is no need to continue the Act of 1928. The same is apparently true for the standards for Climax baskets and baskets and other containers for small fruits and vegetables. However, for the reasons outlined above there is a vital need to maintain the standards for berry containers that have been in existence and used for fifty-two years.

Passage of H.R. 13058 would not be in the best interests of consumers and the U.S. Berry Industry. Therefore, we urge you and your Committee to delay enactment until appropriate legislation for the best interests of all concerned can be developed and considered.

Sincerely,

FRED W. BURROWS,
Executive Vice President.

PACIFIC STATES BOX & BASKET Co.,
Los Angeles, November 6, 1967.

Hon. H. ALLEN SMITH,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE SMITH: I am writing you in reference to Bill HR 13058. Just recently, it has come to our attention that this Bill is in the Committee on Science and Astronautics, and has not been passed. If this bill is passed, it will repeal outright, the entire Standard Container Acts of 1916 and 1928. We firmly oppose such a repeal.

We manufacture various size containers used for interstate shipping of fresh produce. The repeal of these two acts will not only work a hardship on all of the manufacturers of standard containers, but it will open the flood gates and allow all types of deceptive containers to flow interstate; thus, confusing the retailers and present the ultimate housewife consumer with a multitude of deceptive sizes of containers. Although we have a "Truth in Packaging" Law, the enforcement of this law will not cover this problem.

We realize there are many containers covered by the Standard Container Act of 1928 that are not in use now and have not been for a number of years, but there are others that are covered by the Act of 1916, that are in constant use. As an example, the strawberry baskets which are used to ship strawberries from California, amount to approximately one hundred and twenty million, or, seventy per cent of the fresh strawberry consumption of the United States.

California has a Standardization Law which is similar to the 1916 Act. If the 1916 Act is repealed, it would leave the California Berry Growers and Shippers in a very hazardous position, as other states would be able to ship deceptive packages in competition. As an example, if a deceptive basket was designed so that just one berry per basket was shorted, it would equal the total cost of the basket. As you can see, the repeal of the 1916 Act will create a multitude of avenues for cheater; or, deceptive packages for fruit and berries.

We would sincerely appreciate your vote against the repeal of these two Acts, and we know you would be doing a great service for the housewives with your vote.

May we ask for your views concerning this matter, along with any suggestions you may have for us to pursue.

Yours very truly,

THOMAS PAINE,
Vice President.

PACIFIC STATES BOX & BASKET Co.,
Los Angeles, Calif., January 15, 1968.

Hon. H. ALLEN SMITH,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SMITH: We are writing you in regards to our telephone conversation in Glendale on January 4th. We sincerely appreciate and thank you for the valuable time you gave to discuss H.R. 13058. This Bill has now been reported favorably out of the Science and Astronautics Committee. As indicated on the phone, we strongly oppose this Bill and seek your support.

You asked that we write to you and lay out some specific questions that could be presented in your Rules Committee. The following are some of the major reasons for retaining the Standard Container Act of 1916 and 1928, as we view this legislation as a manufacturer of fresh fruit and vegetable containers for over fifty-years:

1. In the hearings on this Bill, Mr. Arthur E. Browne, Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service Department of Agriculture, stated that during the past ten years the number of factories manufacturing the containers, applicable to the Standard Container Acts, has declined from 148 to 95. We would ask why none of these manufacturers were contacted or notified for their views on this legislation? According to the list of manufacturers registered with, and published by Consumer and Marketing Service, Fruit and Vegetable Division of the Department of Agriculture, these factories are located in twenty-five of the United States. This legislation directly concerns these manufacturers and their employees. The reduction of factories does not necessarily reflect the reduction of manufacturing. For instance; our company is now producing in one location what was formerly manufactured in three plants, plus new containers within the framework of the Standard Container Acts.

2. Also, it was further stated by Mr. Browne that less than ten-percent of the fresh fruits and vegetables shipped interstate are now packed in containers subject to the Standard Container Acts. We would ask whether two-hundred million strawberry baskets are considered a relative factor in this estimated ten-percent? Two-hundred million is representative of California shipments alone, not to mention the Interstate shipments of other producing areas in our country.

3. The fresh fruit and produce industry is in the process of forming standardization guidelines for the many master containers used for shipping fresh produce. A number of the containers as prescribed under the Acts of 1916 and 1928, form a basic unit around which compatible and master shipping containers are designed. From this point, the direction would be toward master pallet standardization. The economies thus attained on the great volume of interstate shipments by rail, truck and air, would be passed on to the consumer. This industry continues to standardize the containers used for interstate shipping, however, a major portion of this progress is based on many of the containers covered by the Standard Container Acts. These Acts serve a very useful purpose and are vital to our industry. The repeal of these acts would open the floodgates to a multitude of various size containers that would confuse packers, shippers, and receivers in our industry.

As indicated by an earlier publication of the Department of Agriculture, there is a concern about the lack of uniformity in State laws governing the marketing of fresh fruit and vegetables as they relate to containers. There have been instances of one State refusing to accept a standard container adopted by another State, or imposing a minimum weight requirement on the contents of a standard container used by another State

with retaliatory measures being taken. The position by our Government has been to eliminate such barriers and to stimulate the free flow of trade. This is just one of the useful purposes performed by the Standard Container Acts.

Pertaining to the above, we feel it is important to note that of the fifty States, plus the District of Columbia and Puerto Rico, that were contacted concerning this legislation, only nineteen States favored repeal.

In conclusion, may we state that the Standard Container Acts are an important supplement to the Fair Packaging and Labeling Law by providing the retailer with uniform containers to properly label, and to the housewife; a recognized fair package.

May we ask for your views and suggestions concerning further steps that may be taken to see that these Standard Acts are not repealed.

Yours very truly,

H. MACKALL PAINE.

P.S.—Would you please delay this Bill going to the floor until we can obtain a response from our industry to the Congressional Representatives.

COMMITTEE ON SCIENCE AND ASTRONAUTICS, HOUSE OF REPRESENTATIVES,

Washington, D.C., March 7, 1968.

Hon. H. ALLEN SMITH,
House of Representatives,
Washington, D.C.

DEAR MR. SMITH: In connection with the question that you posed during the hearing before the Committee on Rules in considering H.R. 13058, I submit the following pertaining to the bill.

It was the purpose of the Committee on Science and Astronautics to repeal the Standard Container Acts of 1916 and 1928 since these acts cover only a small portion of the fruits and vegetables that are shipped in these types of containers. Additionally, there are ambiguous interpretations of what constitutes "small fruits" and whether frozen foods are covered under these laws. The best law for protecting the consumer is the Fair Packaging and Labeling Act which was amended to delete an exception which was provided by these two acts.

Specifically on the question of strawberries, if these berry containers are shipped with a cover they are covered by Section 3 of the Fair Packaging and Labeling Act. Additionally, Section 5 (a) of the Act provides that the Secretary of the Department of Health, Education and Welfare is vested with the authority to promulgate regulations regarding the handling of consumer commodities.

As a further safeguard, Section 401 of the Federal Food, Drug and Cosmetic Act specifically endows the Secretary of the Department of Health, Education and Welfare (actually the Food and Drug Administration) with the authority to promulgate regulations to "promote honesty and fair dealing in the interest of consumers."

What may be bothering your constituent is the provision of Section 405 of this act which instructs the Secretary to promulgate regulations exempting from any labeling requirement . . . small open containers of fresh fruits and fresh vegetables and . . .

The current regulations exempt small fruits and vegetables of one-quart size and smaller. Obviously most strawberries are packed in this size container. I am of the opinion that the necessary changes to these regulations could and would be made by the Food and Drug Administration if needed. I wrote to the Commissioner of the Food and Drug Administration on December 12, 1967, asking how he intended to provide adequate safeguards under Section 405 if H.R. 13058 is enacted into law, this in effect being an Administration Bill. Although the Commissioner responded that he did "not believe

that an adequate revision of our regulations under Section 405 (1) is possible without modification of the Act" I do not see how he can meet all of the requirements of the law, as stated above, if an occasion arises without revising his regulations which he has the sole authority to do.

It is apparent to me that it is much more beneficial to have the intent of these laws carried out by one Agency and under one law. I should remind you these laws are administered by exception upon the notice of an infraction. In view of the state laws covering sizes and the customs that have been built up within the industry I have no fear that the intent of the Fair Packaging and Labeling Act will not be administered fairly and equitably.

Sincerely yours,

J. EDWARD ROUSH,
Chairman, Ad Hoc Subcommittee.

Mr. Speaker, I reserve the balance of my time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROUSH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13058) to repeal certain acts relating to containers for fruits and vegetables, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee on the Whole House on the State of the Union for the consideration of the bill H.R. 13058, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Indiana [Mr. ROUSH] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. FULTON] will be recognized for 30 minutes.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield the time yielded to me to my good friend the gentleman from Indiana [Mr. ROUBUSH].

The CHAIRMAN. The gentleman from Indiana will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Indiana [Mr. ROUSH].

Mr. ROUSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 13058 will do three things.

First, it repeals the Standard Container Act of 1916.

Second, it repeals the Standard Container Act of 1928.

Finally, it amends the Fair Packaging and Labeling Act of 1966 to conform with these repeals.

The act of 1916 specifies volumetric sizes of climax baskets for grapes and other fruits. It provides the dimensions of such containers. The Department of Agriculture is the agency which determines compliance with that law.

The act of 1928 specifies the capacities in cubic inches for standard hampers

and round stave baskets for fruits and vegetables. It specifies the standard splint baskets in multiples of quarts and in cubic inches for fruits and vegetables.

Again, the Secretary of Agriculture makes the determination of compliance.

It also provides that baskets be marked as to size.

The question might arise as to why we should amend the Fair Packaging and Labeling Act of 1966.

Under section 10(b), under "definitions," the Fair Packaging Act defines the term "package" but exempts containers subject to the two packaging acts of 1916 and 1928. This amendment deletes any reference to the Standard Container Acts, thereby clearly subjecting containers covered by these acts to the Fair Packaging and Labeling law.

Why do we repeal these acts?

Many changes have taken place in marketing practices since the enactment of these laws. Standardization was needed at the time of enactment. Now baskets and hampers have largely been replaced with boxes, lugs, cartons, bags, and other packaging materials. Testimony revealed that less than 10 percent of the fruits and vegetables shipped in interstate commerce are now packed in containers covered by these acts. If a commodity is properly labeled by weight, the acts do not apply.

The continuing trend toward wider use of containers not subject to Federal regulation points the need for consolidation under one regulatory act. There is no similar restriction limiting the size of containers made from other materials.

Most fruits and vegetables are now sold by weight or count rather than volumetric measurement.

There is also an ambiguity in the law, in that it is not clear what is meant by "small fruits" and "other containers" and whether these sizes and laws pertain to frozen foods, other construction materials, or whether it is unlawful to manufacture other sizes of containers. It is impossible to determine if it is legal to sell fruits and vegetables by weight after reading these laws.

The 1916 law does not require a label or size marking on the containers covered.

All of the States now have laws that cover intrastate shipments.

The advantages of repealing the laws are these:

The laws are obsolete and should not be on the books.

The ambiguities mentioned will be eliminated.

This will provide protection to the consumer by placing commodities shipped in these types of containers under the Fair Packaging and Labeling Act.

It would allow labeling requirements to be consistent with the marketing and the sale of other products, giving uniform protection to the consumer.

It would effect a savings of \$16,200 a year, according to the testimony from the Department of Agriculture.

The gentleman from Maine [Mr. HATHAWAY] was the original author of the bill and is to be commended for his interest in this matter.

The bill passed the subcommittee and the full committee unanimously, Mr.

Chairman, and I hope the House will respond favorably to the bill and that it will pass.

Mr. ROUSH. Mr. Chairman, I yield such time to the gentleman from Maine [Mr. HATHAWAY] as he may require.

(Mr. HATHAWAY asked and was given permission to revise and extend his remarks.)

Mr. HATHAWAY. Mr. Chairman, I want to take this opportunity to commend the gentleman from Indiana [Mr. Roush] as well as the members of the committee on both sides of the aisle for reporting this matter to the House.

Mr. Chairman, I rise in support of this legislation. This bill will permit Congress to do some legislative housekeeping and allow an annual savings of approximately \$16,200.

H.R. 13058 repeals the Standard Container Acts of 1916 and 1928. These acts prescribe standard sizes and capacities for certain types of baskets and hampers used in shipping fresh fruits and vegetables. When these laws were enacted, baskets and hampers were used for a large part of the fresh fruits and vegetables shipped in containers and standardization of the volume capacity was needed to prevent deception. Since that time, there has been many changes in shipping containers for fresh produce. Crates, jugs, boxes, and bags not in existence at that time have been developed and are now most commonly used. Also, the construction material has changed significantly with fiberboard, paper, and film now being commonly used. These containers are not standardized by Federal law as to capacity or shape. Furthermore, most fresh fruits and vegetables are today sold by weight or count rather than by volume measure so that deception due to slight variations in container volume is no longer an important marketing factor.

Less than 10 percent of the fresh fruits and vegetables are now marketed in the regulated types of baskets and hampers. For these reasons, I believe that the Standard Container Acts of 1916 and 1928 are obsolete and recommend that they be repealed.

It should be noted that the interests of consumers are protected through the prohibition of unfair and deceptive packaging and labeling practices. Section 2 of H.R. 13058 provides that containers now subject to the two Standard Container Acts will not be exempt from regulation under the Fair Packaging and Labeling Act.

Mr. ROUDEBUSH. Mr. Chairman, I yield myself such time as I may consume.

(Mr. ROUDEBUSH asked and was given permission to revise and extend his remarks.)

Mr. ROUDEBUSH. Mr. Chairman, H.R. 13058 is, in my opinion, a good example of practical and effective legislation. It is, in a sense and to coin an expression, sound legislative management. Its principal objective is to bring order and logic, in the light of present-day realities, to the public laws now governing the standardization of containers and implementation of the Fair Packaging and Labeling Act of November 3, 1966.

Before proceeding further to explain the purposes of H.R. 13058, some Members may be curious as to why the Committee on Science and Astronautics has jurisdiction over this legislation. The bill was sent to the committee because of its legislative jurisdiction over the Bureau of Standards, which is the Federal authority for establishing standards of measurement for the country. And the Bureau of Standards is charged with the responsibility of promulgating the provisions of law governing the volumetric standards of food containers.

One of the principal effects of H.R. 13058 is to repeal the Standard Container Act of August 31, 1916, and the Standard Container Act of May 21, 1928. It further amends the Fair Packaging and Labeling Act of November 3, 1966, to conform with these repeals.

For some time it has been evident that the two standard container acts were no longer realistic or effective in their intent. At the time those two acts were passed, they applied to types of containers generally in use. These types over the years have seen a decreasing use by food producers and shippers to the point where today they constitute only 10 percent of the container types presently in use. The other 90 percent are subject to no such regulation.

Furthermore, under the two acts definitions of what constitutes small fruits and vegetables do not exist. Still further, at the time the acts became public law there were no such things as frozen foods, plastic containers, high-speed transportation from grower to consumer, and health and welfare regulations to protect consumers as we now know them. Therefore, it seems utterly reasonable that steps be taken to provide sensible and workable legislation that would take into consideration these changes that have occurred.

With regard to the Fair Packaging and Labeling Act of November 3, 1966, this excludes the containers and packages at present subject to the provisions of the acts of 1916 and 1928.

Now, when the two standard container acts were passed, baskets and hampers were the principal types of containers used for the shipment of fresh fruits and vegetables. Because of the multitude and variety of sizes existing at the time and an equally wide variety of materials from which the containers were manufactured, it was the intent of those acts to bring some substantial order out of much confusion. Today we find the confusion of those previous years reappearing. None of the newer containers are subject to any specifications in regard to size, shape or capacity, except that these must be labeled in accordance with the Fair Packaging and Labeling Act and the Federal Food, Drug, and Cosmetic Act.

The committee hearings made it evident that the repeal of the two acts and the amendment of the Fair Packaging and Labeling Act would be a very desirable step to take.

This is also favored by a large majority of State governments which were queried by the Department of Commerce as to their attitude and position concerning the provisions of the bill.

An additional benefit of this bill, which I am sure will please many of my colleagues, is that the repeal of these acts and amending the Fair Packaging and Labeling Act will result in savings annually of approximately \$16,200. I realize that this is not a large amount, but I must proclaim that every little bit helps.

In conclusion, Mr. Chairman, I urge enactment of the bill.

Mr. Chairman, I do not think there would be any purpose at this time to reexplain this act, as it has been done ably by my colleague, the gentleman from Indiana [Mr. Roush].

I include at this point the following fact sheet outlining the provisions of the bill:

FACT SHEET

Bill: H.R. 13058, a bill to repeal certain acts relating to containers for fruits and vegetables and for other purposes.

What the bill does:

- (1) Repeals the Standard Container Act of 1916.
- (2) Repeals the Standard Container Act of 1928.
- (3) Amends the Fair Packaging and Labeling Act of 1966 to conform with these repeals.

What is the Container Act of 1916:

- (1) This Act specifies the volumetric sizes of climax baskets for grapes and other fruits.
- (2) It prescribes the dimensions of such containers.

- (3) It specifies the volumetric sizes (such as one quart shall contain 67.2 cubic inches) of standard baskets and other containers for small fruits, berries and vegetables that can be manufactured for shipment, to sell for shipment or to ship these items.

- (4) Secretary of Agriculture shall make the determination of compliance.

What is the Container Act of 1928:

- (1) It specifies the capacities in cubic inches for standard hampers and round stave baskets for fruits and vegetables (one sixteenth bushel through 2 bushels).
- (2) It specifies the standard splint baskets in multiples of quarts and in cubic inches (from 4-quart to 32-quart sizes) for fruits and vegetables.

- (3) Secretary of Agriculture shall make the determination compliance.

- (4) Provides that these baskets be marked as to size.

Why do we amend the Fair Packaging and Labeling Act:

Under Section 10 (b) (Definitions) the Fair Packaging Act defines the term "package", but exempts containers subject to the two packaging acts. This amendment deletes any reference to the Standard Container Acts thereby clearly subjecting containers covered by these Acts to the Fair Packaging and Labeling law.

Why do we repeal these acts:

- (1) Many changes have taken place in marketing practices since the enactment of these laws. Standardization was needed at the time of enactment. Now, baskets and hampers have largely been replaced with boxes, jugs, cartons, bags and other packaging materials. Testimony revealed that less than 10 percent of the fruits and vegetables shipped in interstate commerce are now packed in containers covered by these acts. If a commodity is properly labeled by weight, these acts do not apply.

- (2) The continuing trend toward wider use of containers not subject to Federal regulation points the need for consolidation under one regulatory act. There is no similar restriction limiting the size of containers made from other materials, plastic or cardboard.

- (3) Most fruits and vegetables are now sold by weight or count rather than volumetric measurement.

(4) There is ambiguity in the law in that it is not clear what is meant by "small fruits", "other containers" and whether these sizes and laws pertain to frozen foods, other construction materials or whether it is unlawful to manufacture other sizes of containers. It is impossible to determine if it is legal to sell fruits and vegetables by weight after reading these laws.

(5) The 1916 law does not require a label or size marking on the containers covered.

(6) All of the states now have laws that cover intra-state shipments.

What are the advantages of repealing these laws:

(1) I feel that these laws are obsolete and should not be on the books.

(2) The ambiguities mentioned above will be eliminated.

(3) This will provide protection to the consumer by placing commodities shipped in these types of containers under the Fair Packaging and Labeling Act.

(4) It would allow labeling requirements to be promulgated consistent with the marketing and sale of other products giving uniform protection to the consumer.

(5) It would effect a saving of \$16,200 a year as presented in testimony.

(6) There would be no hardship placed on any segment of industry by this repeal.

Why did we not amend Section 405 of the Federal Food, Drug and Cosmetic Act to overcome the problems presented by the strawberry packers:

(1) The authority of the Secretary of HEW to promulgate regulations to provide consumer safeguards are considered adequate.

(2) State laws are adequate to control shipments within the states. Many states now require labeling on strawberry containers which automatically makes an infraction of the law subject to misbranding penalties.

(3) Hearings were not held on this act since it was not considered necessary in view of (1) above. Also the history and purpose of this section involves many other food products such as spices which are marketed in small packages, or penny candles and no doubt many other items unknown to us who have not been involved primarily in this food and drug legislation.

(4) With due regard to the strawberry packers it is a small portion of the total problem and logically should be covered by regulation if needed.

Mr. Chairman, I have had no requests for time on this side. There has been no opposition expressed from the minority.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. Yes. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, this legislation would provide for no increase in expenditures on the part of the Federal Government, or would it?

Mr. ROUDEBUSH. I am delighted to respond to the gentleman from Iowa. This is a rather unique act in this present Congress. It actually results in a saving of something like \$16,000 a year by doing away with unnecessary personnel in this regulatory action. There is no expenditure at all of public funds in this act.

Mr. GROSS. I thank the gentleman, and I would say to him that this is a fairly good recommendation for the bill.

Mr. ROUDEBUSH. I thank the gentleman for his comments.

Mr. ROUSH. Mr. Chairman, I have no further requests for time.

Mr. ROUDEBUSH. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Acts of Congress listed below are hereby repealed:

(a) The Act of August 31, 1916, entitled "An Act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 Stat. 673, as amended; 15 U.S.C. 251-256);

(b) The Act of May 21, 1928, entitled "An Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes" (45 Stat. 685, as amended; 15 U.S.C. 257-257i).

SEC. 2. Section 10(b) (3) of the Act of November 3, 1966 (80 Stat. 1296; 15 U.S.C. 1451), entitled the "Fair Packing and Labeling Act", is amended by inserting "or" before "the Act of March 4, 1915," and by striking out "the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i)."

SEC. 3. This Act shall become effective on January 1, 1968.

Mr. ROUDEBUSH (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. ROUSH

Mr. ROUSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROUSH: On page 2, line 5, delete the word "Packing" and insert in lieu thereof the word "Packaging".

Mr. ROUSH. Mr. Chairman, this is merely to correct a spelling error in the bill.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROUSH

Mr. ROUSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROUSH: On page 2, lines 10 and 11, delete words "on January 1, 1968" and insert in lieu thereof the words "60 days after enactment".

Mr. ROUSH. Mr. Chairman, this bill was first considered by the full committee last year. Because of the fact that the January 1, 1968, the date in the bill now before the committee, is now passed and because it does require a brief amount of time to set the machinery into action, we are changing the effective date of the act by this amendment so as to cause it to be effective 60 days after the enactment of the bill.

Mr. ROUDEBUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say that there is no opposition on our side of the aisle to this amendment as there was no opposition to the amendment which was previously adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. Roush].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, the gentleman from Iowa [Mr. SMITH], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13058) to repeal certain acts relating to containers for fruits and vegetables, and for other purposes, pursuant to House Resolution 1083, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THIRTY-FOUR CONGRESSMEN INTRODUCE OEO SUPPLEMENTAL APPROPRIATION LEGISLATION

(Mr. FRASER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FRASER. Mr. Speaker, 33 other Members and I are introducing legislation to provide a \$200 million supplemental appropriation for the Office of Economic Opportunity. This supplemental appropriation will bring the funding for OEO in fiscal 1968 close to the full authorization level voted by Congress in December.

Last year, Congress voted a supplemental appropriation of \$75 million to support summer OEO projects aimed at youth in poverty areas. These funds helped to finance summer recreation, education, and employment projects for needy youth throughout the country.

Planning is now underway in city after city to develop similar programs for this coming summer. At this point, however, supplemental funds are not available to finance these special activities. As a result, cutbacks are being imposed by OEO in year-round community action programs to provide \$35 million for the summer projects.

Although some expansion is occurring in job training projects, most antipoverty efforts throughout the country are being

curtailed. In addition to the 10-percent cutback in CAP funds, other major OEO programs like the Job Corps and the Neighborhood Youth Corps are experiencing crippling restrictions because of earlier budget cuts by Congress.

According to the Office of Economic Opportunity, the estimated nationwide impact of these cuts are as follows:

Headstart will accommodate 13,000 fewer children in its all-year program this year than it did in the past year. The all-year total is about 200,000.

Legal services will provide 60,000 fewer cases.

The rural loan program will give assistance to 3,000 fewer families this year than had been originally planned.

The number of Job Corps trainees will be cut from 41,000 to 37,000. Four thousand trainees will be put on administrative leave with the privilege of reentry when space is available. The plan is to eventually cut the Corps to 32,000 through attrition.

Neighborhood Youth Corps will operate at a level of 400,000 members, a cut of 170,000.

Health services will continue to be offered at 41 centers, the current level; but nine centers scheduled for operation this year will not be opened.

Programs for the elderly, the rural poor, and family planning and housing will not be expanded.

Mr. Speaker, in view of the disturbing reports from the National Advisory Committee on Civil Disorders, we cannot suspend the development of the poverty program during these critical times. An adequately financed summer OEO program is urgently needed but this summer program should not have to operate at the expense of year-round activities. By voting a supplemental appropriation of \$200 million at this time, Congress will be indicating its desire to restore the recent cuts in the antipoverty program and to strengthen our total antipoverty effort.

At this point in our Nation's history, when so many poor people find themselves conflicted by feelings of hope and despair, we must do everything possible to give them encouragement. Congress has a responsibility to keep alive the hope aroused by those early battles in the war on poverty. We can best fulfill that responsibility by approving this supplemental appropriation.

The cosponsors with me on the bill are Messrs. WILLIAM F. RYAN, FERNAND ST GERMAIN, BENJAMIN S. ROSENTHAL, Mrs. EDNA F. KELLY, Messrs. CHARLES H. WILSON, EDWARD R. ROYAL, JAMES G. FULTON, JOSEPH Y. RESNICK, CHARLES S. JOELSON, FRANK J. BRASCO, LESTER L. WOLFF, WILLIAM D. FORD, GEORGE E. BROWN, JR., PHILIP BURTON, HENRY HELSTOSKI, JAMES H. SCHEUER, SPARK M. MATSUNAGA, JOSEPH G. MINISH, JOSEPH E. KARTH, ROBERT N. C. NIX, CLAUDE PEPPER, THOMAS M. REES, ELMER J. HOLLAND, OGDEN R. REID, JOHN G. DOW, JACOB H. GILBERT, DON EDWARDS, LEONARD FARBSTEIN, Mrs. PATSY T. MINK, and Messrs. FRED B. ROONEY, DANIEL E. BUTTON, HENRY S. REUSS, and AUGUSTUS F. HAWKINS.

The text of the bill follows:

H.R. —

A bill making a supplemental appropriation to carry out the Economic Opportunity Act of 1964 during the fiscal year ending June 30, 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000,000 to supply supplemental appropriations for the fiscal year ending June 30, 1968, to carry out the provisions of the Economic Opportunity Act of 1964.

NEEDLESS ESCALATION OF WAR IN VIETNAM

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, over the weekend a veritable spate of articles appeared in the Nation's press regarding the request that presumably has come from the American military command and from the Joint Chiefs of Staff calling for an increase in American troops in Vietnam to as many as 206,000 troops.

Mr. Speaker, I should like on this occasion to announce my opposition to any plan, if indeed there be such a plan, to needlessly escalate the war on the ground in Vietnam.

Over the weekend there appeared an article by one of the most distinguished Asian scholars of our country, Edwin O. Reischauer, former Ambassador to Japan, the title of which is "A Broad Look at Our Asian Policy."

Mr. Speaker, I found it one of the most penetrating and thoughtful analyses that I have read in recent months on what our policy in Asia has become, and what it should be in the future. I would certainly commend this article to the reading of the Members of not only this body, but to the people of our country at large.

Mr. Speaker, in my judgment this article which appeared in the New York Times Magazine, March 10, 1968, by Mr. Reischauer, provides the kind of reassessment and reevaluation of our policy in Southeast Asia which is absolutely essential. One must also add that the rationale for a new policy employed by Mr. Reischauer has yet to be adopted by the Johnson administration. Perhaps the reason for this—indeed quite obviously the reason for the administration's unwillingness to accept the Reischauer thesis—is that it is predicated on one basic assumption. That assumption is that we recognize that the administration's strategy of proving to the world that so-called "wars of national liberation" do not pay has failed. There is a saying to the effect that "the saddest words by tongue or pen are those few words—it might have been." If the administration had not from the beginning relied on the McNamara doctrine of flexible, controlled, and gradual response—if instead it had acted at once to quarantine the ports of North Vietnam as the late

President Kennedy did with regard to Cuba in 1962—then perhaps the results would have been different. It is not that American troops have not fought bravely and well, for they have. But the administration for what it labeled "political considerations" steadfastly refused to hit strategic targets such as oil storage facilities, airfields, docks, and supply dumps in the vicinity of the harbor at Haiphong at the very outset of the war when their total destruction might have had maximum impact. Why it was not until the end of June 1966, almost a year and a half after the savage attack by the Vietcong and North Vietnamese at Pleiku, that the administration permitted the major POL storage depots in North Vietnam to be struck. During all of January while the winter-spring offensive was being waged, the prime targets of Hanoi and Haiphong were completely off limits to our bombers.

Now the winter-spring offensive has occurred and constitutes a massive psychological blow to the hopes of those who felt on the basis of the reports from inside the administration that the enemy was seriously weakened and negotiations might be forthcoming.

But it is not my purpose here to unroll the whole story of mistakes and almost unending futility that has characterized the now more than 3 years of what could be described as a major conflict in Vietnam. Future historians will write the details of that story and assess the blame for the failure of our military and diplomatic efforts to bring the war to an end.

I agree today with Professor Reischauer that we must accept the immutable fact of the failure of those policies. And now the longer we continue mired in what he calls the "doronuma," the Japanese expression for quagmire, the more we call the attention of the world to the magnitude of our failure. Indeed, instead of deterring other and new "wars of national liberation," the continuation of a protracted war may well encourage new incursions, attacks, and even wars in other parts of the globe.

As Professor Reischauer so cogently points out, a SEATO-type commitment is no longer the answer to the problem of how to promote peace and stability in Asia. I find especially apt his phrase:

Asian states do not need military dikes so much as good economic land fill.

This must be the answer. Not a retreat or a rout by simply withdrawing to our own shores there from the bristling battlements to survey the scene with neither the will or the means to help build a more peaceful world.

I am fundamentally opposed to the dispatch of additional ground troops to South Vietnam because I think that the time has come to recognize that any increment which we add to our forces will merely be matched by North Vietnamese reserves or additional Vietcong conscripts. We simply do not have the ability to match the manpower resources available to the Vietcong from North Vietnam and ultimately if need be from Communist China.

90TH CONGRESS
2D SESSION

H. R. 13058

IN THE SENATE OF THE UNITED STATES

MARCH 12, 1968

Read twice and referred to the Committee on Commerce

AN ACT

To repeal certain Acts relating to containers for fruits and vegetables, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Acts of Congress listed below are hereby repealed:

4 (a) The Act of August 31, 1916, entitled "An Act to
5 fix standards for Climax baskets for grapes and other fruits
6 and vegetables, and to fix standards for baskets and other
7 containers for small fruits, berries, and vegetables, and for
8 other purposes" (39 Stat. 673, as amended; 15 U.S.C.
9 251-256) ;

10 (b) The Act of May 21, 1928, entitled "An Act to fix
11 standards for hampers, round stave baskets, and splint

1 baskets for fruits and vegetables, and for other purposes”
2 (45 Stat. 685, as amended; 15 U.S.C. 257-257i).

3 SEC. 2. Section 10 (b) (3) of the Act of November 3,
4 1966 (80 Stat. 1296; 15 U.S.C. 1451), entitled the “Fair
5 Packaging and Labeling Act”, is amended by inserting “or”
6 before “the Act of March 4, 1915,” and by striking out
7 “, the Act of August 31, 1916 (39 Stat. 673, as amended;
8 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat.
9 685, as amended; 15 U.S.C. 257-257i).”

10 SEC. 3. This Act shall become effective 60 days after
11 enactment.

Passed the House of Representatives March 11, 1968.

Attest:

W. PAT JENNINGS,

Clerk.

90TH CONGRESS
2d Session

H. R. 13058

AN ACT

To repeal certain Acts relating to containers for fruits and vegetables, and for other purposes.

March 12, 1968

Read twice and referred to the Committee on
Commerce

Senate

May 2, 1968

- 3 -

13. INTERNATIONAL MONETARY FUND. Received from National Advisory Council on International Monetary and Financial Policies a report on the proposed amendment of the articles of agreement of the International Monetary Fund establishing a facility based on special drawing rights in the Fund and modifications in the rules and practices of the Fund. p. S4802
Received from the Treasury Department a proposed bill to provide for U. S. participation in the facility based on special drawing rights in the International Monetary Fund; to Foreign Relations Committee. p. S4802
14. TRANSPORTATION. The Commerce Committee ordered reported with amendment (but did not actually report) S. 752, to amend the Interstate Commerce Act to clarify exemption with respect to transportation performed by agricultural cooperative associations for nonmembers. p. D385
15. ELECTRIFICATION. The Commerce Committee ordered reported with amendment (but did not actually report) S. 2445, to establish guidelines for the Federal Power Commission in its licensing authority. p. D385
16. LAW REPEAL. Passed with amendment H. R. 13058, to repeal certain acts relating to containers for fruits and vegetables; exportation of tobacco plants and seed; naval stores; and wool standards. p. S4879
17. WILDLIFE. Sen. Fannin spoke in favor of his proposed bill to confirm the authority of the States to control, regulate, and manage fish and wildlife within their territorial boundaries. pp. S4860-70
18. CONSERVATION. Sen. Javits spoke in favor of his proposed bill to provide rural water quality control aid. p. S4841
Sen. Jackson discussed the merits of S. 1401, the Senate passed bill to amend the Land and Water Conservation Fund Act. p. S4837
19. TAXATION. Sen. Smathers urged action on a tax increase and spending reduction. pp. S4837-41
Sen. Curtis described as "unwarranted" a Treasury Dept. ruling to make the interest on industrial development bonds taxable. He urged the conference committee to approve his amendment to prevent the Treasury from "unlawfully legislating" until the Ways and Means Committee can hold public hearings. pp. S4818-21
20. VETERANS. Several members were added as cosponsors of S. 3349 and S. 3350, to give cold war GI's equal educational opportunities with those granted to veterans of the Korean conflict. p. S4817
21. HUNGER. Sen. Tydings was added as a cosponsor of S. Res. 281, to establish a committee to study unmet basic needs of U. S. citizens. p. S4817
22. EDUCATION. Sen. Morse submitted an amendment to S. 3098, the Higher Education Act of 1968, relating to "promoting the establishment and joint operation, by colleges and universities, of closed-circuit television or equivalent transmission facilities of the kinds that are within the purview of

the proposed Networks for Knowledge provisions of the bill, whether or not included in a project aided with a Federal grant." pp. S4817-18

23. WILDERNESS. Sen. Yarborough inserted an editorial endorsing the Guadalupe National Park appropriation. pp. S4827-8
24. FARM PARITY. Sen. Mundt deplored the decline in farmers' parity and urged that the Administration give attention to the economic problems of the farmer. pp. S4828-9
25. NOMINATION. Received the nomination of Warren L. Smith, Mich., to be a member of the Council of Economic Advisors. p. S4881

EXTENSION OF REMARKS

26. ECONOMY. Rep. Rhodes, Pa., inserted an AFL-CIO statement on the national economy. pp. E3641-2
27. CONSERVATION. Rep. Tunney stated our Nation's future is dependent upon the conservation of our natural resources and inserted an article on this subject. p. E3643
28. CONSUMERS. Rep. Rosenthal said that the results of Federal testing of consumer goods should be made available to all citizens. p. E3668
Sen. Proxmire inserted Betty Furness' letter and testimony in which she commented on FTC's report on consumer credit practices. pp. E3688-90
29. FAMILY FARM. Sen. McGovern inserted an article, "Is There A Place for the Small Farmer in Today's Economy?", which "attempts to outline" the present and future problems of the small farmer. pp. E3669-70
30. BUDGET. Rep. Collier inserted an analysis of the Federal budget for the 1969 fiscal year. pp. E3670-3
31. TECHNICAL SERVICES. Sen. Scott inserted testimony favoring extension of the State Technical Services Act of 1965 through fiscal years 1969 and 1970. pp. E3676-9
32. FOOD ADDITIVES. Rep. Hosmer inserted extracts from letters in support of proposed legislation to curb Food and Drug Administration's authority to regulate food supplements, including vitamins. pp. E3679-80
33. RECREATION; HIGHWAYS. Sen. Metcalf inserted an article describing how Mont. laws prevent destruction of recreation resources by highway construction. p. E3680
34. AGRICULTURAL RESEARCH. Sen. McGovern urged more research on how "to market our present production and maintain some sort of stability in agriculture", and inserted an article, "Politics in Agricultural Research." p. E3681

drinking. And the killer uses a foreign-made handgun available in a nearby store or through the mail for about \$14.

National statistics show that 80 per cent of all killers who used a gun had a prior criminal record; 78 per cent of all murderers had criminal records; the gun killer had an average of six prior arrests before his first murder, two for serious offenses; 60 per cent of gun killers had been arrested for a crime of violence before the murder indictment.

Mr. DODD. And, Mr. President, one more comment if I may. There are those who are characterized, or who fancy themselves as spokesmen for rural America. They argue, and slickly, that rural Americans would be "inconvenienced" by a stronger firearms law, that it would interfere with their "way of life."

Wittingly or otherwise, these self-styled spokesmen for rural America all too frequently sketch the farmer, the sportsman, the small-town resident as an unsophisticated boob who has neither knowledge, nor feeling, nor any sensitivity toward the problems of the Nation as a whole.

I do not agree. I never have and never will.

The Columbia, Mo., Tribune, quoting the Prairie Farmer, said:

Newspapers have suggested that rural people are the stumbling block in efforts to control indiscriminate use of firearms. The gun mystique, it is said, thrives in open spaces. But the overpowering sentiment in rural areas for the unrestricted ownership and use of guns is a myth. At least that is the case in Indiana and Illinois, according to a recent Prairie Farmer poll.

Mr. President, I ask that the full text of the Prairie Farmer's remarks be printed at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From the Columbia (Mo.) Tribune, May 19, 1967]

GUN MYTH

Prairie Farmer: Newspapers have suggested that rural people are the stumbling block in efforts to control indiscriminate use of firearms. The gun mystique, it is said thrives in the open spaces.

But the overpowering sentiment in rural areas for the unrestricted ownership and use of guns is a myth. At least that is the case in Indiana and Illinois, according to a recent Prairie Farmer poll.

In personal interviews farm people were asked "Do you feel that more stringent efforts should be made to control the possession and use of firearms by the public?" The consensus in both states was: Yes, 55 percent; No, 32 percent; and Undecided, 13 percent.

In the three years since the death of President Kennedy more than 50,000 Americans—10 times the Vietnam toll—have been gunned down by misfits, criminals, and of course, ordinary people who became careless. Too many fire a too-easily-available gun in anger and live to regret it.

An angry, emotional group insists that any gun-control bill is a sinister plot and conspiracy to deprive Americans of their constitutional right to bear arms.

This is nonsense. Those of us who are concerned about the mounting death toll from shooting merely want guns kept out of reach of juveniles, drug addicts, convicted criminals, and the mentally unbalanced. There is no need to deprive hunters and those who have a legitimate reason.

Rural areas are just as concerned about this problem as anyone else. They want action by Congress.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPONG in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 708

Mr. HRUSKA. Mr. President, my proposed amendment No. 708 to S. 917 is an amendment in the nature of a substitute for title IV of the pending bill. I ask unanimous consent that, when that amendment is reprinted, the names of the following Senators be added as cosponsors: My colleague from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. FANNIN], the Senator from Texas [Mr. TOWER], and the Senator from Mississippi [Mr. EASTLAND].

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the joint resolution (S.J. Res. 313) to designate May 20, 1968, as "Charlotte, N.C., Day," with an amendment, in which it requested the concurrence of the Senate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPEAL OF CERTAIN ACTS RELATING TO CONTAINERS FOR FRUITS AND VEGETABLES, AND FOR OTHER PURPOSES

Mr. BYRD of West Virginia. Mr. President, I wish to read a statement on behalf of the distinguished junior Senator from North Carolina [Mr. JORDAN], as follows:

STATEMENT BY SENATOR JORDAN OF NORTH CAROLINA

On October 20, 1967, the Senate passed S. 2068, which would repeal the Standard Containers Acts of 1916 and 1928 and, in addition, certain acts relating to naval stores, wool, and exportation of tobacco plants and seed.

On March 11, 1968, the House of Representatives passed H.R. 13058, which would repeal the Standard Containers Act of 1916 and 1928, but would not affect the three other laws which would be repealed by S. 2068. The two bills are identical in substance insofar as they relate to the Standard Containers Acts, so that all of the substance of H.R. 13058 is contained in S. 2068 as that bill was passed by the Senate.

H.R. 13058 was referred to the Committee on Commerce, while S. 2068 was considered and reported by the Committee on Agriculture and Forestry.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from North Carolina [Mr. JORDAN], I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill (H.R. 13058) to repeal certain acts relating to containers for fruits and vegetables, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 13058, and that it be amended by striking out all after the enacting clause and inserting in lieu thereof the text of S. 2068, as passed by the Senate on October 20, 1967.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the amendment.

The legislative clerk read as follows:

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the acts of Congress listed below are hereby repealed:

(a) The Act of August 31, 1916, entitled "An Act to fix standards for climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 Stat. 673, as amended; 15 U.S.C. 251-256);

(b) The Act of May 21, 1928, entitled "An Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes" (45 Stat. 685, as amended; 15 U.S.C. 257-257i);

(c) The Act of June 5, 1940, entitled "An Act to prohibit the exportation of tobacco seed and plants, except for experimental purposes" (54 Stat. 231; 7 U.S.C. 516-517);

(d) The Naval Stores Act approved March 3, 1923 (42 Stat. 1435; 7 U.S.C. 91-99);

(e) The Act of May 17, 1928, entitled "An Act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes" (45 Stat. 593; 7 U.S.C. 415b-415d).

Sec. 2. Section 10(b) (3) of the Act of November 3, 1966 (80 Stat. 1302; 15 U.S.C. 1459 (b) (3)), is amended to read as follows:

"(3) containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231-233), or the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234-236)."

Sec. 3. This Act shall become effective sixty days after the date of its enactment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 13058) was read the third time and passed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESS BY SENATOR MILLER

Mr. BYRD of West Virginia. Mr. President, on April 17, the distinguished Senator from Iowa [Mr. MILLER] gave the keynote address at the annual meeting of the Iowa Hospital Association in Des Moines.

Because of its timeliness, I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY JACK MILLER, U.S. SENATOR FROM IOWA

"The Iowa Hospital Association faces the future confident that it will continue to meet its goal of more effective and economical patient care through an expanding program of professional services and assistance to its members."

That statement, as you are aware, appears in one of your Association's brochures.

It is responsible and forward-looking. It recognizes that hospital patients need, and assures them they will receive, effective and economical professional services. At the same time, it reflects the number one problem facing your group today—the cost factor. In fact, this is a major problem of the entire health industry.

Over \$30 billion a year is being spent on health care in the United States—over a half billion in Iowa alone. Such an expenditure amounts to 7 percent of the total amount spent on all personal needs. And these health care expenditures are growing at a far faster rate than our population growth rate.

The health industry is plagued by shortages of trained personnel, a lack of adequate facilities, and criticisms of the way it organizes and furnishes health care. Whether these criticisms are deserved or not, they still exist in the minds of many people.

But your most severe problem, and related in one way or another to the others, is sharply rising costs.

The Executive and Legislative branches of the federal government, state and local governments, and the insurance industry share your concern over this problem.

The concern reached the point where, in early March, the newly designated Secretary of Health, Education and Welfare, Wilbur Cohen, remarked that Congress will not stand indefinitely for rising costs under the Medicare and Medicaid programs, the two areas which apparently have generated the most concern of the Administration. Cohen said if a means isn't found to control costs, Congress "probably will take a meat-ax approach," which could mean ceilings on doctors' fees and daily hospital charges.

The concern has reached such a point that the President, in his Health Message to the Congress last month, implied that more federal involvement in your activities could well loom in the future.

It would have been constructive if these statements had been coupled with recognition of the fact that the "guns and butter" budget deficits, worsening inflation, and abnormally high interest rates without which the problem of cost control would be relatively minor.

Although the key word in President Johnson's message appears to be "incentives," the federal intervention threat is there nonetheless.

He proposed that federal aid formulas be revised to provide incentives to hospitals which voluntarily curtail waste and duplication. He suggested that the same approach be applied to schools which do the best job of turning out graduates to meet the health manpower shortage. And he expressed his policy that governmental powers be used to

set a reasonable range of reimbursing drug costs in such federally supported programs as Medicare, Medicaid, and maternal-and-child health care.

These are not new thoughts. They have been expressed before. Their feasibility will have to be evaluated on the basis of specific proposals rather than generalizations. Some way of providing high-quality health care more efficiently and at lower cost must be found, however, or the price tags resulting from the present spiral will surely exceed the reach of millions of citizens. Some of you may have seen the January 22 issue of U.S. News and World Report, which forecast a cost of \$630 per day for a semi-private room in a hospital by the year 2,000 if inflation continues at the same pace as during the previous thirty years.

The best way is for those in control of our federal government to put its financial house in order, but there is little—outside of a few speeches—in the present Washington atmosphere to warrant confidence that this will be done.

The two old stand-by methods of showing concern—let's-study-it, and let's-get-together-and-talk-about-it—are no longer acceptable to those affected. Their patience has worn thin and they are demanding action.

The old methods are exemplified by the request of the President to former Secretary of Health, Education and Welfare John Gardner to study and submit a report on the problem. This was in August 1966. The report was completed and made public at the end of February 1967. As a follow-on, HEW called a national conference last June, and the findings of the conference were released this month. But already its findings are outdated, although they give a perspective to the conditions which exist today.

State insurance commissioners have had to face repeated requests from Blue Cross for rate increases to match rising costs, and many studies have been made at the State level in response to such requests. However, there has been no real alternative to allowing increases.

The Congress has, of course, had to concern itself with the cost problem in providing for the financing of the Medicare and Medicaid programs. Cost estimates for these programs have proved to be embarrassingly lower than the actual figures, necessitating a tax increase.

While health costs generally have been rising rapidly, hospital costs have risen even faster. The problem is so severe that the American Hospital Association has begun a public information program to explain to the public the reasons for the increases. This is most appropriate, for public attention on rising health costs tends to center on the hospitals, which are becoming more and more the focal point for all health care.

In the past three years, Congress, at the Administration's urging, has enacted nearly 30 new health measures. In doing so, it has added to the growing cost and manpower problems of the health industry.

In the last three years, the federal government's budget for health care has increased from \$6 billion to nearly \$14 billion annually, and this does not include the \$2.5 billion budgeted for the care of service personnel and veterans.

Its expenditures on medical care for the elderly and the poor have gone up from \$1 billion to nearly \$8 billion.

Expenditures have risen from \$2 billion to nearly \$3 billion annually for construction of new laboratories, hospitals and health clinics and the training of the men and women to work in them.

Federal appropriations to prevent and control disease have risen from \$450 million to nearly \$700 million annually.

In the last three years, 19.5 million Americans 65 and over have been brought under medical care provisions of the federal laws.

And 30 million children have benefitted

from federal funding for protection against diphtheria, polio, and other diseases.

Even though an additional 100,000 doctors, nurses, dentists, laboratory technicians and other health workers are being trained this year, the health industry still faces serious manpower shortages.

More than 850 medical, dental and nursing schools have enlarged their facilities or improved their programs, but the health industry still is confronted with the need for more.

Apparently resigned to inflationary policies, the President in his health message estimated that between 1965 and 1975 the cost of health care will increase by nearly 140 percent.

Average payments per person will double from \$200 a year to \$400 a year.

Drug payments will rise by 65 percent.

Dental bills will increase 100 percent.

Doctors' bills will climb 160 percent.

Payments for general hospital services will jump 250 percent.

The dimensions of the federal government involvement was clearly outlined by the President in that health message.

"Health expenditures in the United States," he said, "are now nearly \$50 billion a year. The Federal Government pays \$14 billion of that amount (with) \$16 billion requested in fiscal 1969."

And he warned that "unless the cost spiral is stopped, the Nation's health bill could reach a staggering \$100 billion by 1975."

Nothing was said about the role of the federal government in promoting inflation which has brought on much of the cost spiral, and this seems to be the implication: Unless the health industry takes action on its own, the federal government will.

A year ago, the U.S. Department of Health, Education and Welfare reported that hospital costs rose 16 percent in 1966 compared with an average seven percent increase for the five previous years. This, of course, was the year Medicare first went into effect.

At the same time, the American Hospital Association forecast that hospital costs per patient day would increase by 18.6 percent in 1967.

However, the increase was not as great as expected and total hospital cost per patient day in 1967 amounted to \$58.06—an increase of 15.4 percent over 1966.

A 17.4 percent increase in payroll costs, due to inclusion of hospital employees under federal wage laws, and higher salaries for nurses and other paramedical personnel were largely responsible, the American Hospital Association said.

Wages and salaries accounted for \$36.30 of the \$58.06 cost—up from \$30.92 in 1966.

The AHA said 5,812 community hospitals incurred inpatient and outpatient expenses of \$12.6 billion last year, up \$2.1 billion from the 1966 figure.

The admission of patients 65 and over rose 5 percent in the last six months of 1967 over the corresponding period of 1966. (Medicare went into effect in the last six months of 1966.)

Hospitals, on the average, now employ 264 persons for each 100 patients, compared with a 148-100 ratio in 1946.

The key figure in the complex and troubling problem of spiraling hospital care costs is personnel costs. And, in turn, these have been aggravated by substantial increases in the cost of living due to inflation compounded by federal legislation which failed to gear eligibility for health care to availability of personnel and facilities.

Doctors have experienced similar cost increases in their offices. The number of health workers for each physician in 1940 was five. Today it is 13 and will probably increase to 17 by 1970.

As medical technology advances and increases the quality of health care, more highly trained and highly paid personnel are required to bring that high quality of care to as many people as possible—both in

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued October 11, 1968
For actions of October 10, 1968
90th-2nd; No. 168

CONTENTS

Appropriations.....1,15	Disaster loans.....18	Manpower.....4
Banking.....8	Economic advisers.....15	Marketing.....2
Buildings.....34	Economy.....22,24	Meat imports.....26
Civil rights.....23	Education.....1,3,31	Naval stores.....2
Coffee imports.....6	Emergency preparedness..15	Older Americans.....19,30
Commission.....38	Employment.....30	Poverty.....17
Commodity Credit	Executive organization..33	Reclamation.....15
Corporation...14,15	Farm program.....12	Redwood park.....28
Community	Finance.....24	Renegotiation.....6
development....8,35	Foreign aid.....1	Report.....20
Congressional	Health.....5,21	Rural communities.....35
reorganization...13	Highways.....29	Taxation.....28
Conservation.....25	Housing.....8,15,27	Tobacco seed.....2
Consumers.....9,21,32	International	Waste disposal.....11
Containers.....2	development.....15	Water.....10,15
Dairy agreement.....39	Labor-HEW.....1	Wildlife.....16
Data processing.....36	Life and health	Wool imports.....7
Defense.....1	insurance...37	Wool standards.....2

HIGHLIGHTS: Senate passed supplemental appropriation bill. House agreed to conference report on foreign-aid appropriation bill.

HOUSE

1. APPROPRIATIONS. Agreed to, 125-113, the conference report on H. R. 19908, the foreign-aid appropriation bill. pp. H9758-62

Concurred in the Senate amendment to H. R. 18037, the Labor-HEW appropriation bill, to require payment of certain education aid for federally impacted areas. This bill will now be sent to the President. p. H9737

Received the conference report on H. R. 18707, the defense appropriation bill (H. Rept. 1970). pp. H9762-3

2. **MARKETING.** The Congressional Record states that the House concurred in the Senate amendment to H. R. 13058, to repeal the Standard Container Acts of 1916 and 1928, the Tobacco Seed and Plant Exportation Act of 1940, the Naval Stores Act of 1923, and the Wool Standards Act of 1928. The Daily Digest states that the House disagreed to the amendment. pp. H9736-7, D921
3. **EDUCATION.** Concurred in various Senate amendments to H. R. 16025, to amend the educational benefits for veterans, including liberalization of agricultural training provisions. pp. H9737-40
4. **MANPOWER.** Passed without amendment S. 2938, to extend expiring provisions of the Manpower Development and Training Act of 1962. This bill will now be sent to the President. pp. H9711-13
5. **HEALTH.** Received the conference report on H. R. 10790, the proposed Radiation Control for Safety and Health Act of 1968 (H. Rept. 1971). pp. H9732-6
6. **RENEGOTIATION; COFFEE IMPORTS.** Agreed to, 196-44, the conference report on H. R. 17324, to extend the Renegotiation Act and implement the International Coffee Agreement. This bill will now be sent to the President. pp. H9747-54
7. **WOOL IMPORTS.** Agreed to the conference report on H. R. 653, to modify the tariff on several products, including wool fabrics. This bill will now be sent to the President. pp. H9755-6
8. **HOUSING; COMMUNITY DEVELOPMENT; BANKING.** Agreed to, 152-66, as reported H. Res. 1304, to authorize the Banking and Currency Committee to study housing, new town and community development, and governmental financial institutions and central banks. pp. H9757-8
9. **CONSUMERS.** Rep. Mink commended the Johnson administration's record regarding consumers. p. H9758
10. **WATER QUALITY.** Rep. Rostenkowski commended House passage of the proposed Water Quality Improvement Act. p. H9763
11. **WASTE DISPOSAL.** Rep. Tiernan spoke in support of his bill to provide financial assistance in construction of solid-waste disposal facilities. pp. H9764-5
12. **FARM PROGRAM.** Rep. Rhodes, Ariz., spoke on "A Nation in Crisis--the Republican Response," including discussion of the farm program. pp. H9770-3
13. **CONGRESSIONAL REORGANIZATION.** Rep. Cleveland spoke in favor of the congressional reorganization bill, and others discussed the matter with him. pp. H9797-814, H9821
14. **COMMODITY CREDIT CORPORATION.** Rep. Findley said the Secretary has announced "higher diversion under the feed grains program, higher rates, and higher payments," and criticized this in relation to the exemption of CCC from expenditure and obligation controls. p. H9711

members and to consult the Committee before prescribing standards. The members of the Committee were to be representative of industry, testing laboratories, scientific and professional organizations, and the public. Senate amendment No. 37 directed the Secretary to establish a Technical Electronic Product Radiation Safety Standards Committee, consisting of 5 governmental members, 5 industry members, and 5 public members, to which he must submit proposed standards before promulgating them. The Committee is directed to report on the proposed standards. The House recedes with amendments to the Senate amendment which require the Secretary to consult with the Committee prior to prescribing standards rather than submitting proposed standards to the Committee for a report.

TESTING PROGRAM REVIEW

Amendments Nos. 38 and 39: The House bill directed the Secretary to review and evaluate industry testing programs which are intended to assure that electronic products comply with the standards prescribed under the bill. Senate amendments Nos. 38 and 39 direct the Secretary to review and evaluate industry testing programs to assure the adequacy of safeguards of hazardous radiation and to assure that electronic products comply with such standards. The House recedes with a technical amendment.

PRODUCT CERTIFICATION

Amendments Nos. 40 and 67: Amendment No. 40 adds a new provision to the bill which requires manufacturers of electronic products to attach a label to each electronic product, certifying that the product conforms to the standards prescribed under the bill. The certification is required to be based on a test of the product or upon a testing program which is in accord with good manufacturing practice and which has not been disapproved by the Secretary. Amendment No. 67 added a provision prohibiting the importation into the United States of products not tagged and certified in accordance with the foregoing requirements. The House recedes on both amendments with technical amendments.

NOTIFICATION OF PRODUCT DEFECTS

Amendments Nos. 44, 45, 47, 48, 49, 50, 51, 52, 60, 61, 63, and 64: The House bill required the manufacturer to notify dealers, distributors, first purchasers, and subsequent transferees holding manufacturers' warranties, of defects relating to the safety of use of an electronic product or of the noncompliance of the product with applicable standards prescribed under the bill. These Senate amendments revised the notification procedure—

(1) by requiring notification of defects creating a risk of injury (including genetic injury) from electronic product radiation, instead of defects relating to safety of use by reason of such radiation,

(2) by requiring the manufacturer to immediately notify the Secretary of any such defect or any noncompliance with applicable standards which is discovered by the manufacturer,

(3) by relieving the manufacturer of the duty of notifying dealers, distributors, purchasers, and transferees if he satisfies the Secretary that the defect or noncompliance does not create a significant risk of injury (including genetic injury), and

(4) by requiring notification to subsequent transferees who do not hold a manufacturer's warranty.

The House recedes without amendment to all of these Senate amendments except to amendments Nos. 45, 60, 61, 63, and 64. On amendment 64 the House recedes with a technical amendment. On amendments Nos. 45, 60, 61, and 63 (described in clause (1) of the preceding paragraph) the Senate recedes. The effect of the Senate recession is to require the manufacturer to furnish noti-

fication of defects relating to safety of use of the product by reason of emissions of electronic product radiation. It is the position of the conference committee, however, that the term "defect which relates to the safety of use" includes a defect which could reasonably be considered to create a risk of injury (including genetic injury) to any person.

REPAIR AND REPLACEMENT

Amendments Nos. 55, 65, and 81: A provision in the House bill directed the Secretary to work with the electronic products industry, after consultation with the Advisory Committee on Standards, to establish a program under which electronic products, that are in the hands of distributors, dealers, or certain consumers and that do not meet applicable standards or are defective, would be brought into conformity with applicable standards or would have their defects remedied. The Secretary was to include in his annual report a summary of the results of the program.

Amendment No. 65 struck out the provision in the House bill and (1) specified the remedies available to distributors, dealers, and first purchasers (other than distributors or dealers) who hold nonconforming or defective electronic products. In the case of distributors or dealers holding such products, the manufacturer or distributor, as the case may be, who sold the product would be required to furnish without charge any required parts or equipment and reimburse for installation costs unless the nonconformity or defect is shown to result from acts for which the dealer or his agent is responsible. Failure of the manufacturer or selling distributor to comply with these requirements could be enforced by an action in a United States district court. In the case of first purchasers holding such products, the manufacturer would be required to bring, without cost, the product into conformity or remedy the defect or, at his option to, replace the product or to make a refund. If a purchaser had received a notification with respect to such nonconformity or defect he had to claim his rights with reasonable diligence. Further, if the manufacturer shows that the nonconformity or defect is not the fault of the manufacturer or his agent but the fault of an act done by another after the product reached such first purchaser, the remedy is against the person at fault. Finally, it was provided that the provision described above would not apply with respect to products manufactured before the date of the enactment of the act.

The House recedes with an amendment which, instead of prescribing separate remedies for the purchasing distributors and dealers and for first purchasers against manufacturers or selling distributors, as the case may be, prescribes the responsibility of the manufacturer of a nonconforming or defective product. If a notification is required to be furnished on account of such nonconformity or defect, the manufacturer of such product shall (1) without charge, bring such product into conformity with such standard or remedy such defect and provide reimbursement for any expenses for transportation of such product incurred in connection with having such product brought into conformity or having such defect remedied, (2) replace such product with a like or equivalent product which complies with each applicable standard prescribed under this subpart and which has no defect relating to the safety of its use, or (3) make a refund of the cost of such product. The manufacturer shall take the action required by this subsection in such manner, and with respect to such persons (who may include distributors, dealers, or consumers), as the Secretary by regulations shall prescribe. This provision is to apply only to products manufactured after the date of the enactment of the act. Under amendment numbered 81 failure of the man-

ufacturer to comply with the requirements of this provision was made an unlawful act. The House recedes.

Amendment No. 55 required notification of purchasers of their rights to the special remedy provided for purchasers of nonconforming or defective products. The House recedes with a conforming amendment.

AGENT FOR SERVICE OF PROCESS

Amendment No. 71: This Senate amendment required manufacturers of electronic products to be imported into the United States to designate an agent for service of process. The House recedes.

INSPECTION, RECORDS, AND REPORTS

Amendments Nos. 72, 82, and 83: Subsection (a) of this amendment authorizes the Secretary to conduct such inspections and investigations as may be necessary to enforce the provisions of the new subpart.

Under subsection (b), for purposes of enforcement, officers or employees designated by the Secretary are authorized to enter and inspect the facilities and procedures related to radiation safety in establishments in which electronic products are manufactured, operated, used, repaired, maintained, or held for introduction into commerce or held for sale after such introduction.

Under subsection (c), manufacturers of electronic products must establish and maintain such records (including testing records) and make such reports and provide such information as the Secretary may reasonably require to enable him to determine whether the manufacturer is complying with the subpart (including standards prescribed under it), and must permit inspection of relevant records and papers.

Under subsection (d), manufacturers must also provide the Secretary with performance and other technical data relating to performance and safety of electronic products. The Secretary, after consultation with the affected industry, may require a manufacturer to give notification of such data at the time of original purchase to the ultimate purchaser of the product.

Subsection (e) provides that accident and investigation reports of the Department shall be available for use in any judicial proceeding arising out of the accident to which the report relates and that the authors of the report may be required to testify in such proceedings as to the facts developed in the investigation. Such reports are to be made available to the public, but this may be done in such manner as not to identify individuals. Also, all reports on research or demonstration projects and related activities shall be public information.

Subsection (f) provides that information obtained by the Secretary under subsection (a) or (b) concerning any method, process, or economic data which as a trade secret are entitled to protection shall be considered confidential for purposes of section 1905 of title 18, United States Code, except for disclosure to carry out the subpart.

The House recedes with the following substantive amendments:

(1) In lieu of the provisions of subsections (a) and (b), it is provided that before the Secretary may make an inspection he must find for good cause that the methods, tests, or programs related to electronic product radiation safety in a particular factory, warehouse, or establishment in which electronic products are manufactured or held, may not be adequate or reliable. It is specified that a ground for good cause is the introduction into commerce by a manufacturer of a product which fails to meet an applicable standard and for which failure no exemption from the notification requirement has been granted. The inspection authorized is limited to any area in such factory, warehouse, or establishment in which the manufacturer's tests (or testing programs) required by section 358(h) are car-

ried out. The facilities and procedures within such area which are related to electronic product radiation safety may be inspected.

(2) Instead of permitting the Secretary or his representative to disclose where necessary information concerning any method, process, or economic data which as a trade secret is entitled to protection under section 1905 of title 18, United States Code, it is provided that he may disclose where necessary any information containing or relating to any matter referred to in such section.

Under amendments Nos. 82 and 83, conferring amendments were made to the section relating to unlawful acts. The House recedes.

MAINTENANCE OF CUSTOMER LISTS

Amendments Nos. 74, 75, 76, 77, and 78: The House bill authorized the Secretary to require retailers of color-television receivers that are subject to a standard to furnish the manufacturers with sufficient information to identify and locate the receiver's first purchasers. In addition, the Secretary could require the manufacturer to preserve such information.

The amendment authorized the Secretary (1) to require dealers and distributors of electronic products to furnish the manufacturer the information necessary to enable the manufacturer to identify and locate the ultimate purchasers of the product in the event that the required notice of a defect or noncompliance with a standard needed to be given, and (2) to require manufacturers to preserve the information so obtained. However, if the dealer or distributor so elects, the Secretary must permit him to delay transmitting this information to the manufacturer until the latter (or the Secretary) advises that it is needed for notification purposes (or until the dealer or distributor goes out of the electronic product business); a dealer or distributor making such an election must immediately notify the manufacturer of it and give the manufacturer the name and address of the dealer or distributor and identify the product.

The House recedes with an amendment which makes the record-keeping requirement applicable only with respect to an electronic product to which a standard is applicable and the retail price of which is not less than \$50.

UNLAWFUL ACTS

Amendment No. 87: This amendment adds a number of additional acts to the acts made unlawful under the bill. The House recedes with an amendment which eliminates all of the additional unlawful acts except the unlawful acts which relate to failure to comply with the certification requirements under section 359(h).

MAXIMUM CIVIL PENALTY

Amendment No. 97: The House bill provided that the maximum civil penalty which could be assessed by the Secretary for a related series of violations would be \$200,000. Senate amendment No. 97 raised the maximum amount to \$400,000. The conference substitute provides for a maximum penalty of \$300,000.

ADDITIONAL PROVISIONS RELATING TO ENFORCEMENT

Amendment No. 98: The enforcement section of the House bill provided for enforcement of the provisions of the bill by injunction and civil penalty proceedings brought in the Federal district courts. Senate amendment No. 98 added to this section—

- (1) permitting the Secretary to remit or mitigate any civil penalty,
- (2) specifying the district court in which injunction or civil penalty proceedings may be brought,
- (3) providing for seizure of products which do not conform to the standards prescribed under the bill,
- (4) permitting the Secretary to give a

warning or notice rather than instituting proceedings with respect to minor violations,

(5) providing that proceedings will be brought by and in the name of the United States and that subpoenas may run to any judicial district,

(6) providing that compliance with the bill does not relieve any person from product liability under common law or statutory law,

(7) preserving other remedies provided by law, and

(8) providing that nothing in the bill will affect workmen's compensation laws and related laws.

The conference substitute for amendment No. 98 omits items 3 (seizure), 5 (form of proceedings, subpoena), and 8 (effect on workmen's compensation laws), includes without change items 1 (mitigation), 2 (venue), 4 (warnings for minor violations), and 7 (preserving other remedies), and including, with a modification, item 6. As modified, item 6 provides that compliance with the bill does not relieve any person of any liability under common law or statutory law (except for liability under State law with respect to a standard which is preempted under the first sentence of section 360F of the bill).

ANNUAL REPORT

Amendment No. 99: This amendment added a provision to the bill directing the Secretary to submit an annual report. The House recedes with an amendment to change the date for submission of the report from March 17 to April 1, and deleting a reference to policy implications of certain research activities.

FEDERAL-STATE COOPERATION

Amendment No. 100: This amendment added a provision to the House bill authorizing the Secretary to accept the assistance of State and local authorities engaged in activities related to health or safety or consumer protection. The House recedes with a technical amendment.

PROCUREMENT STANDARDS

Amendment No. 103: This amendment makes it clear that States and the Federal Government may impose procurement standards higher than the Federal standards in procuring electronic products. The House recedes with a technical amendment.

ADVISORY STANDARDS FOR MEDICAL X-RAY TECHNICIANS

Amendment No. 104: This Senate amendment directed the Secretary to develop advisory standards for licensing and training of X-ray technicians. The Senate recedes.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
PETER N. KYROS,
WM. SPRINGER,
ANCHER NELSEN,
TIM CARTER,

Managers on the Part of the House.

WOODROW WILSON

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Speaker, as the sponsor of similar legislation, I was very pleased by the approval this week in the House, of H.R. 19988, which establishes a Woodrow Wilson International Center for Scholars.

Our 28th President was one of the few genuine scholars to occupy the office of Chief Executive, and despite his untimely death, future events have testified to the wisdom of many of the policies he espoused in the face of savage opposition. His integrity, personal courage, and idealism, moreover, have made him a constant source of inspiration to all

who have embarked upon public service careers.

It is particularly appropriate that his memorial will be a living institution, dedicated to the research and education that were so important a part of the President's life. It is fitting too, that the center will be a major monument in the reconstruction of Pennsylvania Avenue and an adornment to the city Woodrow Wilson loved.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 19908, FOREIGN ASSISTANCE APPROPRIATIONS, 1969

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on H.R. 19908, the foreign assistance appropriation bill, 1969.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REPEALING CERTAIN ACTS RELATING TO CONTAINERS FOR FRUITS AND VEGETABLES

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13058) to repeal certain acts relating to containers for fruits and vegetables, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That the Acts of Congress listed below are hereby repealed:

"(a) The Act of August 31, 1916, entitled 'An Act to fix standards for climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes' (39 Stat. 673, as amended; 15 U.S.C. 251-256);

"(b) The Act of May 21, 1928, entitled 'An Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes' (45 Stat. 685, as amended; 15 U.S.C. 257-257i);

"(c) The Act of June 5, 1940, entitled 'An Act to prohibit the exportation of tobacco seed and plants, except for experimental purposes' (54 Stat. 231; 7 U.S.C. 516-517);

"(d) The Naval Stores Act approved March 3, 1923 (42 Stat. 1435; 7 U.S.C. 91-99);

"(e) The Act of May 17, 1928, entitled 'An Act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes' (45 Stat. 593; 7 U.S.C. 415b-415d).

"SEC. 2. Section 10(b) (3) of the Act of November 3, 1966 (80 Stat. 1302; 15 U.S.C. 1459 (b) (3)), is amended to read as follows:

"(3) containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231-233), or the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234-236)."

"SEC. 3. This Act shall become effective sixty days after the date of its enactment."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1969

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes, with Senate amendment No. 10 in disagreement, and consider the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

On page 15, line 17, insert the following: "For grants and payments under the Act of September 30, 1950, as amended (20 U.S.C., ch. 13, and under the Act of September 23, 1950, as amended (20 U.S.C., ch. 9), \$90,965,000, fiscal year 1968: *Provided*, That these funds shall not be subject to the provisions of the Anti-Deficiency Statute, Revised Statutes 3679, section 665(c), title 31, United States Code: *Provided further*, That the expenditure of this appropriation shall not be taken into consideration for the purposes of title II of the Revenue and Expenditures Control Act of 1968."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein.

Mr. FLOOD. Mr. Speaker, this language is the only thing holding up this appropriation bill of \$18.5 billion.

Section 406 of the Vocational Education Act amendments seems to many and, I must say, not to others, to cover what the language in disagreement seeks to do; but in any event there are many instances in which it has been made clear that the President has the constitutional power to refuse to spend money which the Congress appropriates. So this language does not mean very much anyway and certainly should not hold up the completion of congressional action on such an important appropriation bill.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Wisconsin.

Mr. LAIRD. Mr. Speaker, I agree with the gentleman from Pennsylvania that there is no need to hold up the whole Labor-HEW appropriation bill merely because of this language. The language will not be interpreted as a requirement to spend because of the constitutional question which is involved. The Congress cannot compel the President of the United States to spend money that he

does not want to spend. The effect, if we do not accept this amendment, and if the funds were spent by the President, would be to take \$90 million from the health and welfare programs of the Department of Health, Education, and Welfare, mostly from NIH and the other Public Health Service programs, because this expenditure would have to be counter-balanced by cuts in other programs. I think the Congress should be aware of this fact.

I agree with the gentleman from Pennsylvania. I hope the House will concur in the amendment because there is no reason to hold this bill up over an amendment which does not mean any more than this one does.

Mr. FLOOD. Mr. Speaker, I always am happy to have the cooperation of the gentleman from Wisconsin and I appreciate it very much.

Mr. Speaker, as a matter of principle I do not like to offer this motion which I have offered, but under the circumstances we have decided to be practical.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

CORRECTION OF ROLL CALLS

Mr. GIBBONS. Mr. Speaker, on roll-calls Nos. 391 and 403, quorum calls, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORTS THE SAME DAY REPORTED DURING REMAINDER OF WEEK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that during the remainder of this week it shall be in order to consider conference reports the same day reported, notwithstanding the provisions of clause 2 of rule XXVIII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. JONAS. Mr. Speaker, reserving the right to object—and I shall not object—I hope, Mr. Speaker, that there will not be any objection offered to the unanimous-consent request of the gentleman from Oklahoma. This procedure is necessary if we are to adjourn this week. I can assure Members on this side that minority members of the Committee on Appropriations are being consulted and will be consulted before conference reports on bills under our committee's jurisdiction are brought up.

So, Mr. Speaker, I certainly do not object, and I hope there will be no objection from this side of the aisle.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from Oklahoma?

Mr. ARENDS. Mr. Speaker, further reserving the right to object, I only do this to ask the gentleman if his remarks could be interpreted as a fair indication that the House can complete our work this week?

Mr. ALBERT. The gentleman hopes it will be.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, I would ask the gentleman from Oklahoma if this is tantamount to the same rule under which we would consider any such request without unanimous consent had sine die adjournment been set at a day certain?

Mr. ALBERT. I would say to the gentleman from Missouri that I believe that is a parliamentary inquiry, but I believe the gentleman is correct.

Mr. HALL. The distinguished majority leader's opinion satisfies me.

Further reserving the right to object, Mr. Speaker, if I understand correctly, the gentleman's unanimous-consent request applied to all conference reports that might come up for the balance of this week?

Mr. ALBERT. For this week only.

Mr. HALL. Does the gentleman anticipate that we may continue, then, as a matter of necessity, to have a session on Saturday next, which is Columbus Day—a Federal holiday?

Mr. ALBERT. This Member hopes we do not, because Columbus Day is considered a holiday.

Mr. HALL. Mr. Speaker, further reserving the right to object, to the knowledge of the gentleman are there any outstanding and vitally important bills other than the Defense procurement appropriation conference report, the foreign assistance conference report, and the now other body loaded-up supplemental conference report?

Mr. ALBERT. There are a few other conference reports.

Mr. HALL. Would the gentleman say those are the three principal ones?

Mr. ALBERT. I would consider those by far the principal ones.

Mr. HALL. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ELIGIBILITY FOR, AND PERIOD OF LIMITATION ON, EDUCATION ASSISTANCE AVAILABLE UNDER PART III, TITLE 38, UNITED STATES CODE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 16025) to amend title 38 of the United States Code with respect to eligibility for, and the period of limitation on, educational assistance available under part III of such title, and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. SAYLOR. Mr. Speaker, reserving the right to object—and I shall not object—I take this time to direct a question to the chairman of the Committee on Veterans' Affairs, to ask whether or not he will explain the amendments he will offer and what they will do to this bill?

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, this bill has passed the House unanimously.

This bill, H.R. 16025, provides education and training benefits to widows of

service-connected dead veterans and wives of 100 percent disabled service-connected veterans. It has a minor provision relating to reimbursement of State approving agencies for approving schools, and provides that a war orphan may have up to 48 months of training if he also serves and gains eligibility through his service.

The Senate has added several amendments and we are agreeing to the amendment to reimburse flight schools on a monthly rather than a quarterly basis.

We have disagreed to the loan program for flight schools and the reinstatement of institutional on-farm training. In place of this, we have added language which would permit one-half and three-fourths time training under the cooperative farm training program which is now a part of the law.

We are agreeing to the revised eligibility formula proposed by the Senate amendments, with some modifications which have been suggested by the Veterans' Administration and which we understand are acceptable to the Senate. In fact, it is my understanding that this agreement, with the modification of the two Senate amendments, is acceptable to the other body.

The several motions which I have made cooperate fully with the other body in resolving the difference between the two versions of the bill H.R. 16025. I have reason to believe that they will be acceptable to the Senate, at least I sincerely hope so, and that this matter can be sent speedily to the White House. The exact effect of the motions which I have made are shown in the chart which I include as part of my remarks:

AS PASSED BY THE HOUSE MAY 20	H.R. 16025 AS PASSED BY THE SENATE JULY 15TH	PROPOSED COMPROMISE HOUSE AMENDMENT
Permits veteran who has used eligibility under the World War II, Korean conflict GI bills, War Orphans Educational Assistance Act, or the Vocational Rehabilitation program, and who has earned entitlement under Chapter 34 of title 38, United States Code, to an aggregate of 48 months entitlement under two or more programs.	Same.	Same.
Extends eligibility for educational benefits to widows of deceased veterans of service-connected causes or wives of veterans who are permanently and totally disabled from service-connected disabilities \$130 a month for a full time course for a maximum of 36 months.	Same.	Same.
Changes the period of entitlement of a veteran pursuing a course of education exclusively by correspondence by providing a charge to entitlement of one month for each \$130 paid him as an educational assistance allowance.	Same.	Same.
Authorized V.A. to reimburse State Approval Agencies for a portion of administrative expenses incurred because of the state's administrative responsibilities in connection with VA Educational programs.	Same.	Same.
No provision.	Public Law 89-358 authorized 1 day of educational assistance for each day of service for a maximum of 36 months. The Senate amendment changes this formula to 1½ days of education for each day of service.	Provides that each eligible veteran shall be entitled to educational assistance for a period of one and one-half months for each month or fraction thereof of service.
No provision.	Liberalizes on-the-farm training program by virtually returning to the World War II provisions.	Authorizes for an eligible veteran who has served a period of 18 months or more after January 31, 1955, and has been released under conditions which would satisfy his active duty obligation entitlement to educational assistance of 36 months. As an example a serviceman obligated to perform 24 months of active duty, for the convenience of the Government is released at the end of the 21st month. Under the proposed compromise he would be eligible for the full 36 months of educational assistance.
No provision.	Permits payments for flight training to be made monthly rather than quarterly.	Liberalizes farm cooperative training authorized in Public Law 90-77 by making it available on a part-time basis—¾ and ½ time as well as previously authorized full time; and permits prescheduling to fall within 44 weeks of year.
No provision.	Allows direct loans to veterans of up to \$500 to obtain a private pilot license with interest not to exceed 6% repayable over a 3-year period.	Same as Senate version.
No provision.	Permits eligible veteran to pursue program of flight training generally accepted as necessary for attainment of a recognized vocational objective in the field of aviation or generally accepted as ancillary to the pursuit of a vocational endeavor other than aviation.	No provision.
No provision.		No provision.

Bills Reported: Reports were filed as follows:

H. Res. 1314, regarding House beauty shop funds, amended (H. Rept. 1959);

H. Res. 995, regarding pay of Expert Transcriber to Official Reporters of Debates and Expert Transcriber to Official Committee Reporters, amended (H. Rept. 1960);

H. Con. Res. 763, to provide for the printing as a House document of a survey and handbook entitled "Federal Education Policies, Programs, and Proposals" (H. Rept. 1961);

H. Con. Res. 797, to provide for the printing of the report entitled "Commercial Banks and Their Trust Activities: Emerging Influence on the American Economy" (H. Rept. 1962);

H. Con. Res. 801, to provide for the printing as a House document the listing of operating Federal assistance programs compiled during the Roth study (H. Rept. 1963);

H. Res. 497, provide for the printing as a House document of the bibliographical list entitled "Hungarians in Rumania and Transylvania," prepared by the Library of Congress (H. Rept. 1964);

H. Res. 1280, to print as a House document the eulogy proceedings on former Representative Hubert B. Scudder (H. Rept. 1965);

H. Res. 1301, to authorize the printing of "Compilation of the Housing and Urban Development Act of 1968" (H. Rept. 1966);

H.R. 19415, regarding fourth-class or library mailing rates (H. Rept. 1967);

Conference report on H.R. 15147, to amend the Immigration and Nationality Act (H. Rept. 1968);

Conference report on H.R. 19908, fiscal 1969 appropriations for the foreign aid program (H. Rept. 1969);

Conference report on H.R. 18707, fiscal 1969 appropriations for the Defense Establishment (H. Rept. 1970); and

Conference report on H.R. 10790, providing for the protection of the public health from radiation emissions from electronic devices (H. Rept. 1971).

Page H 9833

Committee Appointments: Adopted H. Res. 1319, providing that the following-named Members be elected to the following standing committees of the House of Representatives:

Committee on Foreign Affairs: Kazen;

Committee on the Judiciary: Ryan and Waldie; and

Committee on Post Office and Civil Service: Purcell.

Page H 9709

Manpower Development: Passed S. 2938, to extend various expiring provisions under the Manpower Development and Training Act.

Pages H 9711-H 9713

House Administration: The following resolutions from the Committee on House Administration were considered and passed: H. Res. 1314, amended, H. Res.

995, amended, H. Con. Res. 763, H. Con. Res. 797, H. Con. Res. 801, H. Res. 497, H. Res. 1280, and H. Res. 1301 (for titles see "Bills Reported" in this issue of the DIGEST).

Pages H 9713-H 9714, H 9719-H 9720

Physicians—Dentists: Passed S. 4158, regarding Armed Forces physicians and dentists.

Page H 9714-H 9715

Special Courts-Martial: Agreed to Senate amendments to H.R. 15971, to create a single-officer general and special courts-martial, thus clearing the measure for the White House.

Pages H 9715-H 9719

Firearms: By a record vote of 160 yeas to 129 nays, agreed to the conference report on H.R. 17735, State Firearms Control Assistance Act, thus clearing the legislation for the White House.

Pages H 9722-H 9732

Conference Reports: Granted permission that conference reports be considered on the same day as reported for the balance of the week.

Page H 9737

Standard Baskets: Disagreed to Senate amendments to H.R. 13058, relating to standard baskets and containers for fruits and vegetables.

Pages H 9736-H 9737

HEW Appropriations: The House receded and concurred in Senate amendment No. 10 to H.R. 18037, the Labor-Health, Education, and Welfare appropriations.

Page H 9737

Veterans' Widows: Agreed to Senate amendments with House amendments to H.R. 16025, regarding widows of deceased veterans.

Pages H 9737-H 9740

Alumina: Adopted the conference report on H.R. 7735, regarding duty on certain articles of alumina, bauxite, copper, and cellulosic plastics, thus clearing the legislation for the White House.

Pages H 9740-H 9747

Renegotiation Act: By a record vote of 196 yeas to 44 nays, the House adopted the conference report on H.R. 17324, the Renegotiation Amendments Act of 1968, thus clearing the legislation for Presidential action.

Pages H 9747-H 9754

Iron Castings: Adopted the conference report on H.R. 653, regarding duty on certain nonmalleable iron castings and fabrics in chief weight of wool, thus clearing the legislation for the White House.

Pages H 9755-H 9756

Private Bill: Adopted the conference report on H.R. 3865, a private bill.

Page H 9756

Housing Study: Adopted, by a record vote of 152 yeas to 66 nays, H. Res. 1304, regarding investigation and study of housing, and new town and community development, and government financial institutions and central banks.

Pages H 9757-H 9758

Private Bill: Adopted H. Res. 1305, a private bill.

Page H 9758

Supplemental Appropriations: Disagreed to Senate amendments to H.R. 20300, the supplemental appropriations bill; agreed to a conference with the Senate; and

Next meeting of the SENATE
11:00 a.m., Friday, October 11

appointed as conferees Representatives Mahon, Whitten, Rooney of New York, Passman, Boland, Natcher, Flood, Hansen of Washington, Jonas, Laird, Cederberg, Lipscomb, and Shriver.

Page H 9758

Foreign Assistance: Adopted the conference report on H.R. 19908, the foreign assistance and related agencies appropriation bill, by a record vote of 125 yeas to 93 nays, and sent the legislation to the Senate. Receded and concurred with an amendment to Senate amendment No. 4.

Pages H 9758–H 9762

Acting Clerk: Received a communication from the Clerk of the House designating Billie Gene Hollowell to act during his absence.

Page H 9762

Quorum Call—Record Votes: One quorum call and four record votes developed during the proceedings of the House and appear on pages H9720, H9731, H9754, H9757, and H9761–H9762.

Program for Friday: Adjourned at 10:26 p.m. until Friday, October 11, 1968, at 12 o'clock noon, when the House will call up the conference report on Department of Defense appropriations and on the supplemental appropriations, and other conference reports that are ready for consideration.

Committee Meetings

AIRPORT SURVEY

Committee on Merchant Marine and Fisheries: Subcommittee on Coast Guard, Coast and Geodetic Survey and Navigation, held a hearing to obtain information on the Environmental Science Services Administration's Airport Obstruction Survey Program. Testimony was heard from government and public witnesses. The committee adjourned subject to call of the Chair.

Joint Committee Meetings

APPROPRIATIONS—DEFENSE

Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and

Next meeting of the HOUSE OF REPRESENTATIVES
12:00 noon, Friday, October 11

House-passed versions of H.R. 18707, fiscal 1969 appropriations for the Defense Establishment.

APPROPRIATIONS—FOREIGN AID

Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 19908, fiscal 1969 appropriations for the foreign aid program.

RADIATION

Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 10790, to provide for the protection of the public health from radiation emissions from electronic devices.

BILL SIGNED BY THE PRESIDENT

New Law

(For last listing of public laws, see DIGEST, p. D917, October 9, 1968)

H.R. 1340, authorizing Secretary of the Interior to accept donations of land for use in extending Blue Ridge Parkway in North Carolina and Georgia. Signed October 9, 1968 (P.L. 90-555).

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 11

(All meetings are open unless otherwise designated)

Senate

Committee on Government Operations, Permanent Subcommittee on Investigations, to continue hearings on funding by the OEO of the Wilmington, Del., Youth Action Council, 10 a.m., 3302 New Senate Office Building.

House

No committee meetings are scheduled.

Joint Committee

Conferees, executive, on H.R. 20300, making supplemental appropriations for fiscal year 1969, 10 a.m., room S-228, Capitol (Old Supreme Court Chamber).



Congressional Record

appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶ The Congressional Record will be furnished by mail to subscribers, free of postage, for \$1.50 per month, payable in advance. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. For subscription purposes, 20 daily issues constitute a month. The charge for individual copies varies in proportion to the size of the issue. ¶ Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and is sold by the Superintendent of Documents in individual parts or by sets. ¶ With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by

Oct 11, 1968

Rep. Watson recommended control of textile imports. p. H9911

8. COORDINATION. Rep. Roth spoke in favor of additional coordination of Federal assistance programs, especially issuance of a catalog showing such programs. pp. H9869-76
9. CONGRESSIONAL REORGANIZATION. Rep. Hall spoke in support of the congressional reorganization bill. pp. H9876-95
10. CONSERVATION. Rep. Cleveland commended the selection of Kenneth E. Grant as SCS Administrator. pp. H9896-7
Rep. Philbin inserted and commended the President's statement upon approval of bills regarding the Redwood National Park, North Cascades National Park, national trails system, and wild and scenic rivers system. pp. H9913-4

HOUSE - Oct. 10 continued

11. TOBACCO. Rep. Perkins said a definite finding should be made as to whether tobacco is related to cancer and, if so, that a solution should be found. pp. H9921-2
12. FORESTRY. Rep. Dingell criticized the lumber-standards system and actions of the Forest Products Laboratory in this connection. pp. H9927-34
13. TRANSPORTATION. Rep. Flood criticized the proposal to dig an inter-oceanic canal in Central America. pp. H9934-7
14. TAXATION. Rep. Don H. Clausen recommended a solution for tax problems of land owners in connection with establishment of the Redwood National Park. p. H9939
15. ADMINISTRATION RECORD. Speaker McCormack inserted a summary of accomplishments of the Johnson administration. pp. H9939-49

SENATE - Oct. 11

16. APPROPRIATIONS. Agreed to the conference report on H. R. 19908, the foreign-aid appropriation bill. This bill will now be sent to the President. pp. S12692-6
17. TAXATION. Passed H. R. 11394, to amend the Internal Revenue Code relating to distilled spirits. Rejected a committee amendment regarding sugars, sirups, and molasses. Agreed to an amendment by Sen. Williams, Del., consisting of H. R. 2767, as originally reported, to allow farmers an amortized tax deduction for assessments levied by soil and water conservation districts. pp. S12680-3, S12699, S12702-3, S12720, S12807-8, S12735
18. PRINTING. Passed without amendment H. R. 18612, to enact into positive law title 44 of the U. S. Code, "Public Printing and Documents." This bill will now be sent to the President. p. S12539
19. FOOD SERVICES. Concurred in the House amendment to S. 2012, to amend the D. C. Public School Services Act to provide for payment of salaries of food service employees from appropriated funds, to provide for adjustments in those salaries, etc. This bill will now be sent to the President. pp. S12545-6

20. CONTAINERS. Receded from its amendment to H. R. 13058. The final bill repeals the Standard Container Acts. The amendment would have repealed several other marketing laws. This bill will now be sent to the President. p. S12549
21. OCEANOGRAPHY. Sen. Young, Ohio, said oceanography must not be neglected by the race to the moon. pp. S12554-5
22. PUBLIC LANDS. Sen. Fannin was appointed to the Public Land Law Review Commission to take the place of Sen. Kuchel. p. S12556
23. FOREIGN AID. The Foreign Relations Committee reported with amendment S. 311, to provide for increased U. S. participation in the International Development Association (S. Rept. 1670). p. S12557
The Foreign Relations Committee reported the nomination of Covey T. Oliver to be Director of the International Bank for Reconstruction and Development. p. S12557
24. MINERALS; WATER. Agreed to print a report, "Mineral and Water Resources of Colorado," as a S. Doc. pp. S12577, S12736-7
25. PURCHASING. Sen. Montoya inserted and discussed his letter recommending that the Budget Bureau amend its Circular A-76 so as to give clearer standards for determining whether materials and services should be purchased from private industry. pp. S12582-3
26. EXPENDITURES. Sen. Williams, Del., charged "bad faith" by the Johnson administration in connection with the Revenue and Expenditure Control Act. pp. S12592-3
27. ANIMAL QUARANTINE. Sen. Hruska recommended a quarantine center owned and operated by the Government for all livestock imports from diseased areas of the world. pp. S12649-50
28. CONSERVATION. Sen. Yarborough inserted and commended the President's statement upon approval of several conservation bills noted above. pp. S12613-4
29. HUNGER. Sen. Dodd commended efforts to relieve hunger in Biafra. pp. S12623-4
30. FARM PROGRAM. Sen. Montoya commended the administration's farm program. pp. S12624-5
31. FARM LABOR. Sen. Williams, N. J., gave USDA figures and said the grapes boycott is having an effect (p. S12638). He also gave "a factual rebuttal to the farmers' and growers' attack on our nation's farmworkers" (pp. S12650-3).
32. WILDLIFE. Sen. Yarborough spoke in favor of H. R. 11618, to protect rare and endangered species of wildlife. pp. S12672-3
33. ROADS. Sen. Cooper inserted and commended the President's statement upon approval of the road authorizations bill. pp. S12678-9

by ten per cent—and there's talk of increasing salaries of Congressmen by roughly thirty per cent. No great hue and cry from the Administration about the poor taxpaying consumer. It all depends on whose ox is being gored.

The thoughts expressed in this editorial comment by Mr. George are, I believe, worthy of consideration. We forget what we are doing in our own house, but are very prone to condemn what others are doing in theirs. What we expect of private industry we ought to expect of the Government here in Washington, but we do not follow that logical rule.

REPEAL OF CERTAIN ACTS RELATING TO CONTAINERS OF FRUITS AND VEGETABLES

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 13058.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives on the bill (H.R. 13058), entitled "An act to repeal certain acts relating to containers for fruits and vegetables and for other purposes," which was:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 13058) entitled "An Act to repeal certain Acts relating to containers for fruits and vegetables, and for other purposes."

Mr. MANSFIELD. Mr. President, I move that the Senate recede from its amendment.

The motion was agreed to.

AMENDMENT OF IMMIGRATION AND NATIONALITY ACT—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15147) to amend the Immigration and Nationality Act to provide for the naturalization of persons who have served in combatant areas in active-duty service in the Armed Forces of the United States, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of October 10, 1968, p. H9756, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. On March 4, 1968, the House of Representatives passed H.R. 15147, to grant special naturalization benefits for members of our Armed Forces who serve in combatant zones. On June 20, 1968, the Senate passed H.R. 15147 with amendments to grant such naturalization benefits to alien members of our Armed Forces who serve after

February 28, 1961, during any period designated by the President by Executive order as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force.

After a conference between the Senate and House conferees, the House has agreed to recede from its disagreement to the amendments of the Senate, and has agreed to the same.

I move the adoption of the conference report.

The motion was agreed to.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 10, 1968, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1603, 1619, 1620, 1623, 1624, 1633, and 1645, in that order.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The clerk will state the first bill.

POLICING OF BUILDINGS AND GROUNDS OF THE LIBRARY OF CONGRESS

The bill (H.R. 10725) to amend the act of August 4, 1950, entitled "An act relating to the policing of the buildings and grounds of Library of Congress" to provide salary increases for members of the police force of the Library of Congress, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a companion Senate bill, Calendar No. 1575, S. 1943, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. RAY F. McMILLAN

The bill (H.R. 2283) for the relief of Dr. Ray F. McMillan was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1629), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Dr. Ray F. McMillan, of Kensington, Calif., of all liability to refund amounts paid him which were subsequently ruled to have been excess compensation for the period July 1, 1957, to September 10, 1966, which resulted from continuing administrative errors.

STATEMENT

The Department of the Navy and the Comptroller General of the United States have no objection to the enactment of this legislation.

The report of the House Judiciary Committee relates the facts of the case as follows:

The Comptroller General of the United States in the report of the General Accounting Office submitted to this committee in connection with this bill indicated that it was felt that there was a sufficient basis for enactment of the legislation with the amendments recommended by the committee. The Department of the Navy in its report stated that it had no objection to the bill.

Dr. Ray F. McMillan was appointed as a career conditional employee in the position of medical officer, grade GS-12, step 1 (\$8,645 per annum) effective July 1, 1957, at the U.S. Naval Air Station, Alameda, Calif. On July 1, 1960, his appointment was converted to a career appointment, and on September 17, 1961, he was promoted to grade GS-14, step 3, at \$12,730 per year. While he was employed at the naval air station, Dr. McMillan had been compensated at the special salary rate established by the U.S. Civil Service Commission under the authority of section 803 of the Classification Act of 1949, as amended, 5 U.S.C. 1133 (1958 edition) and section 504 of the Federal Salary Reform Act of 1962, Public Law 87-793, 76 Stat. 842, now codified as 5 U.S.C. 5303.

Dr. McMillan received official notification that it had been determined that he had been overpaid compensation for a period of more than 9 years in the period from July 1, 1957, through September 10, 1966. The report of the Comptroller General quoted from the letter of September 20, 1966, from the commanding officer of the naval air station advising the doctor of the error, and the quoted language is as follows:

"1. It has been brought to the attention of this command that an error has been made in reporting your daily time worked for payroll purposes. You have been officially reported in a pay status for 80 hours each pay period. However, it has been determined that you have been working at the station medical dispensary 4½ hours daily each week, when not in a leave status, for a total of 63 hours per pay period. On occasion, you are reported to have worked beyond the 4½ hours scheduled to complete work assignments as required. In addition, you were occasionally called in to perform medical services of an urgent or emergency nature. No official record was made of these irregular hours worked. As a medical officer and senior civilian (GS-12 promoted to GS-14), you are not required to record your hours of work on a time clock.

"2. The erroneous reporting of time worked has existed since your employment on July 1, 1957, to September 10, 1966. In accordance with reference (a), it will be necessary for you to reimburse the Government for the resulting overpayment accruing to your account during your tenure of employment. * * *

As is obvious from the foregoing quotation, the problem in this case relates to the manner in which the work was performed and reported. The General Accounting Office recognized that this was a situation in which Dr. McMillan performed work in excess of the 63-hour determination reflected in the commanding officer's letter. Effective as of September 11, 1966, Dr. McMillan's employment status was changed to indicate that his services were to be performed on a part-time basis and specifying the periods during which those services were to be performed.

The determination by the naval air station that resulted in the ruling that he had been overpaid to the extent of \$26,249.37 was based upon statements of various officers un-

der whose direction Dr. McMillan worked during the period involved. On the other hand, employment timecards now available beginning with the year 1964 reflect that Dr. McMillan ordinarily worked 8 hours a day and further that he was charged 8 hours of leave on days that he did not report to duty. Dr. McMillan himself indicates that when performing part-time work he was required to work 4½ hours per day for 7 days a week. Further it appears that when he was employed the medical officer indicated that he did not expect the doctor to work 8 hours a day but the indication was that additional work on Saturdays and Sundays would complete the necessary number of hours to equal 40 hours of work each week. The evidence before the General Accounting Office led it to conclude:

"While the preponderance of the evidence before our office indicates that Dr. McMillan did not have a regularly scheduled tour of duty of 40 hours per week, the number of hours of work actually performed by him during the period under consideration remains a question of fact which we are incapable of resolving."

In view of the pertinency of the facts relating to the arrangements concerning hours of work, the subcommittee considering the bill secured additional information as to this aspect of the case from the sponsor of the bill. The evidence before the committee establishes the fact that when Dr. McMillan was interviewed for the job it was agreed that he would not work the usual 8-hour day, 5 days a week, but rather would work approximately 4½ hours a day for 7 days a week and would work the same schedule on holidays and be available for emergency calls. Based on this understanding, Dr. McMillan accepted the position of medical officer with the naval air station. For the entire period of his employment Dr. McMillan performed services in accordance with this agreement. In addition, Dr. McMillan was called on numerous occasions at his private office of his residence by other doctors working at the dispensary and also by Navy patients.

In this connection the General Accounting Office noted that while the evidence was not clear as to just how many hours of work were performed, there was an apparent misunderstanding in the initial employment. That office further found that the evidence does support a conclusion that he performed work in excess of the 63 hours per pay period fixed administratively by the naval authorities. In this connection, the General Accounting Office report stated:

"In view of the apparent misunderstanding in the initial employment of Dr. McMillan and as he at least performed some work in excess of the 63 hours per pay period and probably was subject to call at other times, it would seem that a sufficient basis exists for enactment of the proposed relief legislation."

"On its part, the Navy found that the error in reporting was entirely without any fault on Dr. McMillan's part and was the result of administrative error by Government personnel."

On the basis of the facts of this case and the factors outlined in the reports and, in particular, the report of the General Accounting Office, it is recommended that the bill be considered favorably.

The General Accounting Office has noted that it would be well to make two amendments to the bill, first, a technical amendment relieving certifying or disbursing officers for any amounts relieved in accordance with the provisions of the bill and, secondly, a provision permitting a refund of any amounts withheld or repaid by reason of the liability referred to in the bill. It is recommended that the bill, as amended be considered favorably.

The committee concurs in the action of the House of Representatives and recommends that the bill, H.R. 2283, be considered favorably.

JOSEPH H. BONDUKI

The bill (H.R. 4939) for the relief of Joseph H. Bonduki was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1623), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to confer jurisdiction on the Court of Claims to hear, determine, and render judgment on the claim of Joseph H. Bonduki that he was wrongfully separated from his employment with the International Information Administration on February 14, 1953. The action authorized by the bill would have to be filed within 1 year of its enactment into law.

STATEMENT

The House report on this claim relates the following:

The bill H.R. 4939 as originally introduced would have authorized the payment of an amount equal to that which Joseph H. Bonduki would have earned as an employee of the U.S. Information Agency from February 14, 1953, to the date that the bill would be enacted into law. The bill was the subject of adverse reports from the U.S. Civil Service Commission and the U.S. Information Agency and was the subject of a subcommittee hearing on March 9, 1967.

At the hearing on the bill, the claimant appeared and testified concerning the circumstances of his termination on February 14, 1953, as an employee of the International Information Administration which, at that time, was a part of the Department of State. He had served as a multilingual translator and monitor for the "Voice of America" from January 1951 to February 14, 1953. In his testimony before the subcommittee, the claimant challenged the basis of his separation and indicated that while he had appealed the separation administratively, he had been discouraged from asserting his rights in connection with a judicial review of the matter. A review of the testimony at that proceeding and also the reports received from the U.S. Information Agency and the U.S. Civil Service Commission indicate that Mr. Bonduki in 1961 did seek judicial review of the matter but the ultimate result was that the complaint was dismissed because of laches. However, the committee feels that the testimony presented at the hearing does indicate that Mr. Bonduki may have been given an erroneous impression which led to his conclusion that he should not seek judicial review following the final rejection of his administrative appeal.

The fact that he did seek administrative review shows that Mr. Bonduki was diligent in seeking a further review of this matter. The committee further feels that the Congress is not the proper forum for the relief sought by Mr. Bonduki in his bill. The Court of Claims considers cases involving the rights of employees and is particularly well qualified to pass on the issue of the validity of the separation as originally outlined in the bill as introduced. Accordingly, it has been concluded that the best way to resolve the matter would be to provide for jurisdiction in the Court of Claims to enable that court to consider the case on its merits and render whatever decision it finds appropriate. Accordingly, it is recommended that the bill, as amended, be considered favorably.

The committee has studied the transcript of the House hearing on H.R. 4939 which was held on March 9, 1967. There appear to be two questions which arise in this matter as follows: First, the mental health of the

claimant, and second, his failure to prosecute whatever rights he may have had before a court of competent jurisdiction within a reasonable length of time.

On page 2 of the transcript, the claimant Mr. Bonduki states as follows: "My dismissal was for reason of mental health, although on that same day of my discharge I was examined by two prominent psychiatrists in New York City, who came to the conclusion and certified that I was free of any mental deterioration." Other references throughout the transcript deal with the conflict of whether or not Mr. Bonduki had a mental problem.

As to the claimant's failure to pursue what remedies he might have had before a court, Mr. Bonduki in his testimony states in effect that he was directed by an agent of the United States from taking such a course and when he was directed not to seek legal action he inquired as to what he should do and was told that he could appeal to the Agency, to the Civil Service Commission, to the Board of Commissioners, or to the President. On page 5 of the transcript in his contact with the Government agent, Mr. Bonduki states in his testimony that he was not so advised but that he was directed not to proceed in court. He states that the agent told him not to sue and made it more forceful that he was not to seek legal action. On the basis of Mr. Bonduki's testimony, he failed to prosecute in court within a reasonable length of time because of these admonitions.

The committee does not intend to comment upon the correctness of Mr. Bonduki's testimony, but does accept it to the extent that it believes there is enough conflict raised by the reports by the agent involved and the testimony of Mr. Bonduki to render this matter one which requires a resolution by a proper forum. The bill confers jurisdiction on the Court of Claims to hear, determine, and render judgment on this matter and the committee believes that such a bill is the proper vehicle to adequately dispose the questions raised.

The committee therefore concurs in the action of the House of Representatives and recommends that the bill, H.R. 4939, be considered favorably.

AMENDMENT OF UNITED STATES CODE

The bill (H.R. 17864) to amend titles 5, 10, and 37, United States Code, to codify recent laws, and to improve the Code was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1624), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The general purpose of the bill is as stated in its title.

Specifically, the bill will amend titles 5, 10, and 37, United States Code, which have been enacted into law, to reflect recent changes in the substance of those titles by laws or reorganization plans which did not specifically amend those titles.

The bill makes no change in the substance of existing law.

STATEMENT

As stated in the purpose of the bill, this legislation is to reflect recent changes in the substance of those titles involved by laws or reorganization plans which did not specifically amend those titles.

The detailed section analysis shows the changes in law. The committee again re-



Public Law 90-628
90th Congress, H. R. 13058
October 22, 1968

An Act

82 STAT. 1320

To repeal certain Acts relating to containers for fruits and vegetables, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Acts of Congress listed below are hereby repealed:

Fruit and
vegetable
containers.
Standards.

(a) The Act of August 31, 1916, entitled "An Act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 Stat. 673, as amended; 15 U.S.C. 251-256);

(b) The Act of May 21, 1928, entitled "An Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes" (45 Stat. 685, as amended; 15 U.S.C. 257-257i).

SEC. 2. Section 10(b) (3) of the Act of November 3, 1966 (80 Stat. 1296; 15 U.S.C. 1451), entitled the "Fair Packaging and Labeling Act", is amended by inserting "or" before "the Act of March 4, 1915," and by striking out ", the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i)."

SEC. 3. This Act shall become effective 60 days after enactment.

Effective
date.

Approved October 22, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1107 (Comm. on Science and Astronautics).

SENATE REPORT No. 668 accompanying S. 2068 (Comm. on Agriculture and Forestry).

CONGRESSIONAL RECORD:

Vol. 113 (1967): Oct. 20, S. 2068 considered and passed Senate.

Vol. 114 (1968): Mar. 11; Oct. 10, considered and passed House.

May 2; Oct. 11, considered and passed Senate in lieu of S. 2068.

3540 E

U.S.D.A.
SERVITIS
LAW LIBRARY
ROOM 1406 SOUTH
WASHINGTON D.C. 20250

